

06-12-01 JC1P Rec'd PCT/PTO 11 JUN 2001

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JUN 11 2001  
TRADEMARK

FORM PTO-1390 (Modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER <b>BB-1313</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR) <b>09/857896</b>
INTERNATIONAL APPLICATION NO. <b>PCT/US99/30181</b>	INTERNATIONAL FILING DATE <b>17 DECEMBER 1999 (17.12.99)</b>	PRIORITY DATE CLAIMED <b>18 DECEMBER 1998 (18.12.98)</b>

TITLE OF INVENTION  
**PLANT DISEASE RESISTANCE GENES**

APPLICANT(S) FOR DO/EO/US  
**CAHOON, Rebecca E. et al.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to being national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b)) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19<sup>th</sup> month from the earliest claimed priority date.
5. ☒ A copy of the International Application was filed (35 U.S.C. 371 (c) (2))
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau.
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371 (c) (2)).
7. ☒ A copy of the International Search Report (PCT/ISA/210).
8. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c) (3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409)
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 18 below concern document(s) or information included :

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.  
A **SECOND** or **SUBSEQUENT** preliminary amendment.
16. ☐ A substitute specification.
17. ☒ A change of power of attorney and/or address letter.
18. ☒ Certificate of Mailing by Express Mail.
19. ☐ Other items or information:

**17. General Power of Attorney**  
**18. Express Mailing Label No.: EL031053140US**

APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.53) <b>097837898</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US99/30181</b>		ATTORNEY'S DOCKET NUMBER <b>BB-1313</b>	
20. The following fees are submitted				CALCULATIONS PTO USE ONLY	
<b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :</b>					
<input checked="" type="checkbox"/> Search Report has been prepared by the EPO or JPO \$860.00					
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) \$690.00					
<input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$760.00					
<input type="checkbox"/> Neither international preliminary examination fee paid to USPTO (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$1000.00					
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) And all claims satisfied provisions of PCT Article 33(2)-(4) \$ 100.00					
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>\$860.00</b>	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). <input type="checkbox"/> 20 <input type="checkbox"/> 30				<b>\$0.00</b>	
<b>CLAIMS</b>	<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>		
Total Claims	16 - 20 =	0 x	\$18.00	<b>\$0.00</b>	
Independent Claims	2 - 3 =	0 x	\$80.00	<b>\$0.00</b>	
Multiple Dependent Claims (check if applicable)			<input type="checkbox"/>	<b>\$0.00</b>	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$0.00</b>	
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). <input type="checkbox"/>				<b>\$0.00</b>	
<b>SUBTOTAL =</b>				<b>\$0.00</b>	
Processing Fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30				<b>\$0.00</b>	
<b>TOTAL NATIONAL FEE =</b>				<b>\$860.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>				<b>\$0.00</b>	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$860.00</b>	
				Amount to be : refunded \$	
				Charged \$	

☐ A check in the amount of \_\_\_\_\_ to cover the above fees enclosed.

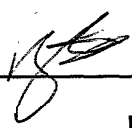
☒ Please charge my Deposit Account No. **04-1928** in the amount of **\$860.00** to cover the above fees.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **04-1928** a duplicate copy of this sheet is enclosed.

**NOTE : Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (CFR 1.37(a) or (b)) must be filed and granted to restore the application to pending status.**

**SEND ALL CORRESPONDENCE TO:**

**LI, Kening**  
**E. I. DU PONT DE NEMOURS AND COMPANY**  
**Legal Patent Records Center**  
**1007 Market Street**  
**Wilmington, Delaware 19898**  
**United States of America**

  
SIGNATURE  
**LI, KENING**  
NAME  
**44,872**  
REGISTRATION NUMBER  
**06/08/2001**  
DATE

JUN 8 2001  
09/857896531 Rec'd PCT. PATENT  
11 JUN 2001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

REBECCA E. CAHOON ET AL.

CASE NO.: BB1313 PCT

APPLICATION NO.: UNKNOWN

GROUP ART UNIT: UNKNOWN

FILED: CONCURRENTLY HERewith

EXAMINER: UNKNOWN

FOR: PLANT DISEASE RESISTANCE GENES

PRELIMINARY AMENDMENTAssistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please amend the application as follows:

IN THE SPECIFICATION:

Please replace the following paragraphs:

**Paragraph starting at page 7, line 8.**

For example, it is well known in the art that antisense suppression and co-suppression of gene expression may be accomplished using nucleic acid fragments representing less than the entire coding region of a gene, and by nucleic acid fragments that do not share 100% sequence identity with the gene to be suppressed. Moreover, alterations in a nucleic acid fragment which result in the production of a chemically equivalent amino acid at a given site, but do not affect the functional properties of the encoded polypeptide, are well known in the art. Thus, a codon for the amino acid alanine, a hydrophobic amino acid, may be substituted by a codon encoding another less hydrophobic residue, such as glycine, or a more hydrophobic residue, such as valine, leucine, or isoleucine. Similarly, changes which result in substitution of one negatively charged residue for another, such as aspartic acid for glutamic acid, or one positively charged residue for another, such as lysine for arginine, can also be expected to produce a functionally equivalent product. Nucleotide changes which result in alteration of the N-terminal and C-terminal portions of the polypeptide molecule would also not be expected to alter the activity of the polypeptide. Each of the proposed modifications is well within the routine skill in the art, as is determination of retention of biological activity of the encoded products. Consequently, an isolated polynucleotide comprising a nucleotide sequence of at least one of 60 (preferably at least one of 40, most preferably at least one of 30) contiguous nucleotides derived from a nucleotide sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, or the complement of such nucleotide sequences may be used in methods of selecting an isolated polynucleotide that affects the expression of a polypeptide (an Mlo homolog) in a host cell. A

method of selecting an isolated polynucleotide that affects the level of expression of a polypeptide in a host cell (eukaryotic, such as plant or yeast, prokaryotic such as bacterial, or viral) may comprise the steps of: constructing an isolated polynucleotide of the present invention or an isolated chimeric gene of the present invention; introducing the isolated polynucleotide or the isolated chimeric gene into a host cell; measuring the level a polypeptide in the host cell containing the isolated polynucleotide; and comparing the level of a polypeptide in the host cell containing the isolated polynucleotide with the level of a polypeptide in a host cell that does not contain the isolated polynucleotide.

**Paragraph starting at page 9, line 17.**

“Codon degeneracy” refers to divergence in the genetic code permitting variation of the nucleotide sequence without affecting the amino acid sequence of an encoded polypeptide. Accordingly, the instant invention relates to any nucleic acid fragment comprising a nucleotide sequence that encodes all or a substantial portion of the amino acid sequences set forth herein. The skilled artisan is well aware of the “codon-bias” exhibited by a specific host cell in usage of nucleotide codons to specify a given amino acid. Therefore, when synthesizing a nucleic acid fragment for improved expression in a host cell, it is desirable to design the nucleic acid fragment such that its frequency of codon usage approaches the frequency of preferred codon usage of the host cell.

**IN THE CLAIMS:**

Please cancel claims 1-23.

Please add the following new claims:

- 24. An isolated polynucleotide that encodes an Mlo homolog polypeptide having a sequence identity of at least 85%, based on the Clustal method of alignment, when compared to a polypeptide selected from the group consisting of SEQ ID NOs: SEQ ID NOs: 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, and 38.
25. The polynucleotide of Claim 24 wherein the sequence identity is at least 90%.
26. The polynucleotide of Claim 24 wherein the sequence identity is at least 95%.
27. The polynucleotide of Claim 24 wherein the polypeptide is selected from the group consisting of SEQ ID NOs: 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, and 38.
28. The polynucleotide of Claim 24, wherein the polynucleotide is selected from SEQ ID Nos: 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 37.
29. An isolated complement of the polynucleotide of Claim 24, wherein (a) the complement and the polynucleotide consist of the same number of nucleotides, and (b)

the nucleotide sequences of the complement and the polynucleotide have 100% complementarity.

30. An isolated nucleic acid molecule that encodes an Mlo homolog polypeptide and remains hybridized with the isolated polynucleotide of Claim 24 under a wash condition of 0.1X SSC, 0.1% SDS, and 65°C.
31. A cell or a virus comprising the polynucleotide of Claim 24.
32. The cell of Claim 33, wherein the cell is selected from the group consisting of a yeast cell, a bacterial cell, an insect cell, and a plant cell.
33. A transgenic plant comprising the polynucleotide of Claim 24.
34. A method for transforming a cell comprising introducing into a cell the polynucleotide of Claim 24.
35. A method for producing a transgenic plant comprising (a) transforming a plant cell with the polynucleotide of Claim 24, and (b) regenerating a plant from the transformed plant cell.
36. An isolated an Mlo homolog polypeptide having a sequence selected from the group consisting of SEQ ID NOS: 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, and 38.
37. A chimeric gene comprising the polynucleotide of Claim 24 operably linked to at least one suitable regulatory sequence.
38. The chimeric gene of Claim 39, wherein the chimeric gene is an expression vector.
39. A method for altering the level of an Mlo homolog polypeptide expression in a host cell, the method comprising:
  - (a) Transforming a host cell with the chimeric gene of claim 39; and
  - (b) Growing the transformed cell in step (a) under conditions suitable for the expression of the chimeric gene. --

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"01190" 9625860

**Remarks**

Applicants respectfully submit that the amendment to the Specification only corrects obvious typographical errors. Furthermore, applicants submit that newly added claims more clearly and distinct recite that which applicants consider to be their invention, and are adequately supported by the original disclosure. For example, the Clustal method of alignment is described at page 8, line 26 et seq.

No new matter is believed to be at issue. Entry of the amendments and early favorable consideration of the claims on the merits are hereby respectfully requested.

Respectfully submitted,



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FACSIMILE: 302-892-1026

Dated: 06/06/2001

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TOT 90" 96825860

## VERSION WITH MARKINGS TO SHOW CHANGES MADE

In showing the changes, deleted material is shown as bolded brackets and stricken through, and inserted material is shown underlined.

### IN THE SPECIFICATION:

Please replace the following paragraphs:

#### **Paragraph starting at page 7, line 8.**

For example, it is well known in the art that antisense suppression and co-suppression of gene expression may be accomplished using nucleic acid fragments representing less than the entire coding region of a gene, and by nucleic acid fragments that do not share 100% sequence identity with the gene to be suppressed. Moreover, alterations in a nucleic acid fragment which result in the production of a chemically equivalent amino acid at a given site, but do not ~~[effect]~~ affect the functional properties of the encoded polypeptide, are well known in the art. Thus, a codon for the amino acid alanine, a hydrophobic amino acid, may be substituted by a codon encoding another less hydrophobic residue, such as glycine, or a more hydrophobic residue, such as valine, leucine, or isoleucine. Similarly, changes which result in substitution of one negatively charged residue for another, such as aspartic acid for glutamic acid, or one positively charged residue for another, such as lysine for arginine, can also be expected to produce a functionally equivalent product. Nucleotide changes which result in alteration of the N-terminal and C-terminal portions of the polypeptide molecule would also not be expected to alter the activity of the polypeptide. Each of the proposed modifications is well within the routine skill in the art, as is determination of retention of biological activity of the encoded products. Consequently, an isolated polynucleotide comprising a nucleotide sequence of at least one of 60 (preferably at least one of 40, most preferably at least one of 30) contiguous nucleotides derived from a nucleotide sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, or the complement of such nucleotide sequences may be used in methods of selecting an isolated polynucleotide that affects the expression of a polypeptide (an Mlo homolog) in a host cell. A method of selecting an isolated polynucleotide that affects the level of expression of a polypeptide in a host cell (eukaryotic, such as plant or yeast, prokaryotic such as bacterial, or viral) may comprise the steps of: constructing an isolated polynucleotide of the present invention or an isolated chimeric gene of the present invention; introducing the isolated polynucleotide or the isolated chimeric gene into a host cell; measuring the level a polypeptide in the host cell containing the isolated polynucleotide; and comparing the level of a polypeptide in the host cell containing the isolated polynucleotide with the level of a polypeptide in a host cell that does not contain the isolated polynucleotide.

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**Paragraph starting at page 9, line 17.**

“Codon degeneracy” refers to divergence in the genetic code permitting variation of the nucleotide sequence without ~~[effecting]~~ affecting the amino acid sequence of an encoded polypeptide. Accordingly, the instant invention relates to any nucleic acid fragment comprising a nucleotide sequence that encodes all or a substantial portion of the amino acid sequences set forth herein. The skilled artisan is well aware of the “codon-bias” exhibited by a specific host cell in usage of nucleotide codons to specify a given amino acid. Therefore, when synthesizing a nucleic acid fragment for improved expression in a host cell, it is desirable to design the nucleic acid fragment such that its frequency of codon usage approaches the frequency of preferred codon usage of the host cell.

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TITLEPLANT DISEASE RESISTANCE GENES

This application claims the benefit of U.S. Provisional Application No. 60/112,737, filed December 18, 1998.

FIELD OF THE INVENTION

This invention is in the field of plant molecular biology. More specifically, this invention pertains to nucleic acid fragments encoding disease resistance genes in plants and seeds.

BACKGROUND OF THE INVENTION

It is well established that resistance to many diseases in plants is mediated by the interaction of plant genes referred to as "R" genes with corresponding *Avr* genes expressed by the pathogen (Hammond-Kosack and Jones (1997) *Ann. Rev. Plant Physiol. Plant Mol. Biol.* 48:1-39). This interaction leads to the activation of plant responses which in turn result in increased resistance to disease. This resistance is frequently mediated by the "hypersensitive response", a localized cell death phenomenon that occurs in the areas of plant tissue invaded by the pathogen. This *Avr/R* interaction is race-specific; i.e., particular alleles of the plant *R* gene respond only to specific races of the pathogen which express a corresponding *Avr* gene (Flor (1971) *Ann. Rev. Phytopathol.* 9:275-296).

Most of the *R* genes characterized to date are dominant; i.e., resistance is exhibited by plants carrying the appropriate *R* allele in either a heterozygous or homozygous state. Some *R* genes have been isolated by map-based cloning. Many homologs of *R* genes have also been identified by sequence similarity. Because of the rapid evolution of plant resistance to disease, homology of a cDNA or genomic DNA sequence to a known *R* gene from a different plant species does not allow one to predict the pathogen specificity of that particular *R* gene. No general methods for such prediction exist today.

Genes involved in resistance of plants to plant pathogens may be used to engineer disease resistance into plants normally sensitive to disease using several different approaches. Transgenic plants containing alleles of *R* genes demonstrate resistance to corresponding races of the pathogen (Wang et al. (1996) *Mol. Plant-Microbe Interact.* 9:850-855). The resistance genes may also be engineered to respond to non-native signals derived from the pathogen. In addition, pathogen-derived *Avr* genes may be expressed in a controlled manner in plants to strengthen the response to a pathogen. Genes further downstream from the *R* genes in the signal transduction pathways that transmit signals to the disease response effector genes may be engineered to directly respond to pathogen infection, thereby shortening the response pathway.

The process of the hypersensitive response to a pathogen, and the signaling networks involved, are poorly understood. In no case have all of the genes involved in

transmitting the signal from the pathogen to the site of the initiation of the hypersensitive response been identified.

In a few cases, the functioning of a disease resistance mechanism different from the *Avr/R* interaction described above results in a recessive, rather than dominant pattern of resistance. One such example is the Mlo gene of barley, which conveys resistance to *Erysiphe graminis f. sp. hordei*. The barley gene has been recently isolated by a positional cloning approach (Bueschges et al. (1997) *Cell* 88:695-705). The dominant (sensitive) allele (Mlo) is thought to encode a protein involved in regulation of leaf cell death and in the onset of pathogen defense. The partial or complete inactivation of Mlo results in the priming of the disease-resistance response even in the absence of the pathogen, and leads to increased resistance to *E. graminis*.

The available scientific data concerning Mlo-mediated disease resistance in barley points towards another approach to controlling disease: priming the pathogen response pathway by diminishing the effectiveness of negative regulation of the hypersensitive response. Appropriately engineered plants may show increased pathogen resistance at the expense of expressing some pathogen response-related genes even in the absence of pathogen. Sense or antisense inhibition or targeted gene disruption of Mlo and Mlo-related genes may have such an effect. Resistance to other pathogens may also be increased using this approach.

Mlo-related cDNA clones and DNA segments of genomic DNA, and their homologs and derivatives, may also be used as molecular probes to track inheritance of corresponding loci in genetic crosses, and thus facilitate the plant breeding process. Moreover, these DNA sequences may also be used as probes to isolate, identify and genetically map Mlo and other closely related disease resistance genes.

#### SUMMARY OF THE INVENTION

The present invention relates to isolated polynucleotides comprising a nucleotide sequence encoding a polypeptide of at least 66 amino acids that has at least 95% identity based on the Clustal method of alignment when compared to a polypeptide selected from the group consisting of an Mlo homolog polypeptide of SEQ ID NOs:2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, and 38. The present invention also relates to an isolated polynucleotide comprising the complement of the nucleotide sequences described above.

It is preferred that the isolated polynucleotide of the claimed invention consists of a nucleic acid sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 37 that codes for the polypeptide selected from the group consisting of SEQ ID NOs:2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, and 38. The present invention also relates to an isolated polynucleotide comprising a nucleotide sequences of at least one of 60 (preferably at least one of 40, most

preferably at least one of 30) contiguous nucleotides derived from a nucleotide sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 37 and the complement of such nucleotide sequences.

5 The present invention relates to a chimeric gene comprising an isolated polynucleotide of the present invention operably linked to suitable regulatory sequences.

The present invention relates to an isolated host cell comprising a chimeric gene of the present invention or an isolated polynucleotide of the present invention. The host cell may be eukaryotic, such as a yeast or a plant cell, or prokaryotic, such as a bacterial cell. The present invention also relates to a virus, preferably a baculovirus, comprising an isolated  
10 polynucleotide of the present invention or a chimeric gene of the present invention.

The present invention relates to a process for producing an isolated host cell comprising a chimeric gene of the present invention or an isolated polynucleotide of the present invention, the process comprising either transforming or transfecting an isolated compatible host cell with a chimeric gene or isolated polynucleotide of the present invention.

15 The present invention relates to an Mlo homolog polypeptide of at least 66 amino acids comprising at least 95% homology based on the Clustal method of alignment compared to a polypeptide selected from the group consisting of SEQ ID NOs:2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, and 38.

The present invention relates to a method of selecting an isolated polynucleotide that  
20 affects the level of expression of an Mlo homolog polypeptide in a host cell, preferably a plant cell, the method comprising the steps of: (a) constructing an isolated polynucleotide of the present invention or an isolated chimeric gene of the present invention; (b) introducing the isolated polynucleotide or the isolated chimeric gene into a host cell; (c) measuring the level an Mlo homolog polypeptide in the host cell containing the isolated polynucleotide;  
25 and (d) comparing the level of an Mlo homolog polypeptide in the host cell containing the isolated polynucleotide with the level of an Mlo homolog polypeptide in the host cell that does not contain the isolated polynucleotide.

The present invention relates to a method of obtaining a nucleic acid fragment encoding a substantial portion of an Mlo homolog polypeptide gene, preferably a plant Mlo  
30 homolog polypeptide gene, comprising the steps of : synthesizing an oligonucleotide primer comprising a nucleotide sequence of at least one of 60 (preferably at least one of 40, most preferably at least one of 30) contiguous nucleotides derived from a nucleotide sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 37 and the complement of such nucleotide sequences; and  
35 amplifying a nucleic acid fragment (preferably a cDNA inserted in a cloning vector) using the oligonucleotide primer. The amplified nucleic acid fragment preferably will encode a portion of an Mlo homolog amino acid sequence.

The present invention also relates to a method of obtaining a nucleic acid fragment encoding all or a substantial portion of the amino acid sequence encoding an Mlo homolog polypeptide comprising the steps of: probing a cDNA or genomic library with an isolated polynucleotide of the present invention; identifying a DNA clone that hybridizes with an isolated polynucleotide of the present invention; isolating the identified DNA clone; and sequencing the cDNA or genomic fragment that comprises the isolated DNA clone.

The present invention relates to a composition, such as a hybridization mixture, comprising an isolated polynucleotide of the present invention.

The present invention relates to an isolated polynucleotide of the present invention comprising at least one of 35 contiguous nucleotides derived from a nucleic acid sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 37.

The present invention relates to an expression cassette comprising an isolated polynucleotide of the present invention operably linked to a promoter.

The present invention relates to a method for positive selection of a transformed cell comprising: (a) transforming a host cell with the chimeric gene of the present invention or an expression cassette of the present invention; and (b) growing the transformed host cell, preferably plant cell, such as a monocot or a dicot, under conditions which allow expression of the Mlo homolog polynucleotide in an amount sufficient to complement a null mutant to provide a positive selection means.

#### BRIEF DESCRIPTION OF THE DRAWING AND SEQUENCE DESCRIPTIONS

The invention can be more fully understood from the following detailed description and the accompanying drawing and Sequence Listing which form a part of this application.

Figure 1 shows a comparison of the amino acid sequences of the Mlo homolog from soybean clone sdp4c.pk003.l11 (SEQ ID NO:08), soybean clone srl.pk0049.c5 (SEQ ID NO:12), soybean clone src2c.pk002.h11 (SEQ ID NO:14), soybean clone sdp2c.pk026.g24:fls (SEQ ID NO:28), wheat clone wdr1.pk0006.a3:cgs (SEQ ID NO:32), whet clone wlmk4.pk0025.f7:fls (SEQ ID NO:38), *Hordeum vulgare* having NCBI General Identifier No. 1877221 (SEQ ID NO:39), *Arabidopsis thaliana* having NCBI General Identifier No. 2494143 (SEQ ID NO:40), *Arabidopsis thaliana* having NCBI General Identifier No. 2765817 (SEQ ID NO:41), and *Arabidopsis thaliana* having NCBI General Identifier No. 4585879 (SEQ ID NO:42). Dashes are used by the program to maximize the alignment of the sequences.

Table 1 lists the polypeptides that are described herein, the designation of the cDNA clones that comprise the nucleic acid fragments encoding polypeptides representing all or a substantial portion of these polypeptides, and the corresponding identifier (SEQ ID NO:) as used in the attached Sequence Listing. The sequence descriptions and Sequence Listing

attached hereto comply with the rules governing nucleotide and/or amino acid sequence disclosures in patent applications as set forth in 37 C.F.R. §1.821-1.825.

TABLE 1

## Disease Resistance Genes

Protein	Clone Designation	SEQ ID NO:	
		(Nucleotide)	(Amino Acid)
Rice Mlo Homolog	Contig of: rl0n.pk105.g24 rls24.pk0009.g5	1	2
Rice Mlo Homolog	rlr24.pk0047.b5	3	4
Rice Mlo Homolog	rr1.pk078.d1	5	6
Soybean Mlo Homolog	sdp4c.pk003.l11	7	8
Soybean Mlo Homolog	sds9n.pk001.j10	9	10
Soybean Mlo Homolog	sr1.pk0049.c5	11	12
Soybean Mlo Homolog	src2c.pk002.h11	13	14
Wheat Mlo Homolog	wdr1.pk0006.a3	15	16
Wheat Mlo Homolog	wlmk4.pk0025.f7	17	18
Wheat Mlo Homolog	wre1n.pk0154.g11	19	20
Rice Mlo Homolog	rl0n.pk087.m5	21	22
Rice Mlo Homolog	Contig of: rl0n.pk128.i12 rth1c.pk006.o23.f	23	24
Rice Mlo Homolog	rtc1c.pk001.c23.f	25	26
Soybean Mlo Homolog	sdp2c.pk026.g24	27	28
Soybean Mlo Homolog	sfl1.pk0104.g10	29	30
Wheat Mlo Homolog	wdr1.pk0006.a3:cgs	31	32
Wheat Mlo Homolog	wlm0.pk039.m9	33	34
Wheat Mlo Homolog	wlm96.pk046.j8	35	36
Wheat Mlo Homolog	wlmk4.pk0025.f7: fis	37	38

The Sequence Listing contains the one letter code for nucleotide sequence characters and the three letter codes for amino acids as defined in conformity with the IUPAC-IUBMB standards described in *Nucleic Acids Res.* 13:3021-3030 (1985) and in the *Biochemical J.*

219 (No. 2):345-373 (1984) which are herein incorporated by reference. The symbols and format used for nucleotide and amino acid sequence data comply with the rules set forth in 37 C.F.R. §1.822.

DETAILED DESCRIPTION OF THE INVENTION

In the context of this disclosure, a number of terms shall be utilized. As used herein, a “polynucleotide” is a nucleotide sequence such as a nucleic acid fragment. A polynucleotide

may be a polymer of RNA or DNA that is single- or double-stranded, that optionally contains synthetic, non-natural or altered nucleotide bases. A polynucleotide in the form of a polymer of DNA may be comprised of one or more segments of cDNA, genomic DNA, synthetic DNA, or mixtures thereof. An isolated polynucleotide of the present invention  
5 may include at least one of 60 contiguous nucleotides, preferably at least one of 40 contiguous nucleotides, most preferably one of at least 30 contiguous nucleotides derived from SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, or the complement of such sequences.

As used herein, "contig" refers to a nucleotide sequence that is assembled from two or  
10 more constituent nucleotide sequences that share common or overlapping regions of sequence homology. For example, the nucleotide sequences of two or more nucleic acid fragments can be compared and aligned in order to identify common or overlapping sequences. Where common or overlapping sequences exist between two or more nucleic acid fragments, the sequences (and thus their corresponding nucleic acid fragments) can be  
15 assembled into a single contiguous nucleotide sequence.

As used herein, "substantially similar" refers to nucleic acid fragments wherein changes in one or more nucleotide bases results in substitution of one or more amino acids, but do not affect the functional properties of the polypeptide encoded by the nucleotide sequence. "Substantially similar" also refers to nucleic acid fragments wherein changes in  
20 one or more nucleotide bases does not affect the ability of the nucleic acid fragment to mediate alteration of gene expression by gene silencing through for example antisense or co-suppression technology. "Substantially similar" also refers to modifications of the nucleic acid fragments of the instant invention such as deletion or insertion of one or more nucleotides that do not substantially affect the functional properties of the resulting  
25 transcript vis-à-vis the ability to mediate gene silencing or alteration of the functional properties of the resulting protein molecule. It is therefore understood that the invention encompasses more than the specific exemplary nucleotide or amino acid sequences and includes functional equivalents thereof.

Substantially similar nucleic acid fragments may be selected by screening nucleic acid  
30 fragments representing subfragments or modifications of the nucleic acid fragments of the instant invention, wherein one or more nucleotides are substituted, deleted and/or inserted, for their ability to affect the level of the polypeptide encoded by the unmodified nucleic acid fragment in a plant or plant cell. For example, a substantially similar nucleic acid fragment representing at least one of 30 contiguous nucleotides derived from the instant nucleic acid  
35 fragment can be constructed and introduced into a plant or plant cell. The level of the polypeptide encoded by the unmodified nucleic acid fragment present in a plant or plant cell exposed to the substantially similar nucleic fragment can then be compared to the level of

the polypeptide in a plant or plant cell that is not exposed to the substantially similar nucleic acid fragment.

For example, it is well known in the art that antisense suppression and co-suppression of gene expression may be accomplished using nucleic acid fragments representing less than the entire coding region of a gene, and by nucleic acid fragments that do not share 100% sequence identity with the gene to be suppressed. Moreover, alterations in a nucleic acid fragment which result in the production of a chemically equivalent amino acid at a given site, but do not effect the functional properties of the encoded polypeptide, are well known in the art. Thus, a codon for the amino acid alanine, a hydrophobic amino acid, may be substituted by a codon encoding another less hydrophobic residue, such as glycine, or a more hydrophobic residue, such as valine, leucine, or isoleucine. Similarly, changes which result in substitution of one negatively charged residue for another, such as aspartic acid for glutamic acid, or one positively charged residue for another, such as lysine for arginine, can also be expected to produce a functionally equivalent product. Nucleotide changes which result in alteration of the N-terminal and C-terminal portions of the polypeptide molecule would also not be expected to alter the activity of the polypeptide. Each of the proposed modifications is well within the routine skill in the art, as is determination of retention of biological activity of the encoded products. Consequently, an isolated polynucleotide comprising a nucleotide sequence of at least one of 60 (preferably at least one of 40, most preferably at least one of 30) contiguous nucleotides derived from a nucleotide sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, or the complement of such nucleotide sequences may be used in methods of selecting an isolated polynucleotide that affects the expression of a polypeptide (an Mlo homolog) in a host cell. A method of selecting an isolated polynucleotide that affects the level of expression of a polypeptide in a host cell (eukaryotic, such as plant or yeast, prokaryotic such as bacterial, or viral) may comprise the steps of: constructing an isolated polynucleotide of the present invention or an isolated chimeric gene of the present invention; introducing the isolated polynucleotide or the isolated chimeric gene into a host cell; measuring the level a polypeptide in the host cell containing the isolated polynucleotide; and comparing the level of a polypeptide in the host cell containing the isolated polynucleotide with the level of a polypeptide in a host cell that does not contain the isolated polynucleotide.

Moreover, substantially similar nucleic acid fragments may also be characterized by their ability to hybridize. Estimates of such homology are provided by either DNA-DNA or DNA-RNA hybridization under conditions of stringency as is well understood by those skilled in the art (Hames and Higgins, Eds. (1985) *Nucleic Acid Hybridisation*, IRL Press, Oxford, U.K.). Stringency conditions can be adjusted to screen for moderately similar fragments, such as homologous sequences from distantly related organisms, to highly similar

fragments, such as genes that duplicate functional enzymes from closely related organisms. Post-hybridization washes determine stringency conditions. One set of preferred conditions uses a series of washes starting with 6X SSC, 0.5% SDS at room temperature for 15 min, then repeated with 2X SSC, 0.5% SDS at 45°C for 30 min, and then repeated twice with 0.2X SSC, 0.5% SDS at 50°C for 30 min. A more preferred set of stringent conditions uses higher temperatures in which the washes are identical to those above except for the temperature of the final two 30 min washes in 0.2X SSC, 0.5% SDS was increased to 60°C. Another preferred set of highly stringent conditions uses two final washes in 0.1X SSC, 0.1% SDS at 65°C.

Substantially similar nucleic acid fragments of the instant invention may also be characterized by the percent identity of the amino acid sequences that they encode to the amino acid sequences disclosed herein, as determined by algorithms commonly employed by those skilled in this art. Suitable nucleic acid fragments (isolated polynucleotides of the present invention) encode polypeptides that are at least about 70% identical, preferably at least about 80% identical to the amino acid sequences reported herein. Preferred nucleic acid fragments encode amino acid sequences that are about 85% identical to the amino acid sequences reported herein. More preferred nucleic acid fragments encode amino acid sequences that are at least about 90% identical to the amino acid sequences reported herein. Most preferred are nucleic acid fragments that encode amino acid sequences that are at least about 95% identical to the amino acid sequences reported herein. Suitable nucleic acid fragments not only have the above homologies but typically encode a polypeptide having at least about 50 amino acids, preferably at least about 100 amino acids, more preferably at least about 150 amino acids, still more preferably at least about 200 amino acids, and most preferably at least about 250 amino acids. Sequence alignments and percent identity calculations were performed using the Megalign program of the LASERGENE bioinformatics computing suite (DNASTAR Inc., Madison, WI). Multiple alignment of the sequences was performed using the Clustal method of alignment (Higgins and Sharp (1989) *CABIOS*. 5:151-153) with the default parameters (GAP PENALTY=10, GAP LENGTH PENALTY=10). Default parameters for pairwise alignments using the Clustal method were KTUPLE 1, GAP PENALTY=3, WINDOW=5 and DIAGONALS SAVED=5.

A "substantial portion" of an amino acid or nucleotide sequence comprises an amino acid or a nucleotide sequence that is sufficient to afford putative identification of the protein or gene that the amino acid or nucleotide sequence comprises. Amino acid and nucleotide sequences can be evaluated either manually by one skilled in the art, or by using computer-based sequence comparison and identification tools that employ algorithms such as BLAST (Basic Local Alignment Search Tool; Altschul et al. (1993) *J. Mol. Biol.* 215:403-410; see also [www.ncbi.nlm.nih.gov/BLAST/](http://www.ncbi.nlm.nih.gov/BLAST/)). In general, a sequence of ten or more contiguous amino acids or thirty or more contiguous nucleotides is necessary in order to putatively



identify a polypeptide or nucleic acid sequence as homologous to a known protein or gene. Moreover, with respect to nucleotide sequences, gene-specific oligonucleotide probes comprising 30 or more contiguous nucleotides may be used in sequence-dependent methods of gene identification (e.g., Southern hybridization) and isolation (e.g., *in situ* hybridization of bacterial colonies or bacteriophage plaques). In addition, short oligonucleotides of 12 or more nucleotides may be used as amplification primers in PCR in order to obtain a particular nucleic acid fragment comprising the primers. Accordingly, a "substantial portion" of a nucleotide sequence comprises a nucleotide sequence that will afford specific identification and/or isolation of a nucleic acid fragment comprising the sequence. The instant specification teaches amino acid and nucleotide sequences encoding polypeptides that comprise one or more particular plant proteins. The skilled artisan, having the benefit of the sequences as reported herein, may now use all or a substantial portion of the disclosed sequences for purposes known to those skilled in this art. Accordingly, the instant invention comprises the complete sequences as reported in the accompanying Sequence Listing, as well as substantial portions of those sequences as defined above.

"Codon degeneracy" refers to divergence in the genetic code permitting variation of the nucleotide sequence without effecting the amino acid sequence of an encoded polypeptide. Accordingly, the instant invention relates to any nucleic acid fragment comprising a nucleotide sequence that encodes all or a substantial portion of the amino acid sequences set forth herein. The skilled artisan is well aware of the "codon-bias" exhibited by a specific host cell in usage of nucleotide codons to specify a given amino acid. Therefore, when synthesizing a nucleic acid fragment for improved expression in a host cell, it is desirable to design the nucleic acid fragment such that its frequency of codon usage approaches the frequency of preferred codon usage of the host cell.

"Synthetic nucleic acid fragments" can be assembled from oligonucleotide building blocks that are chemically synthesized using procedures known to those skilled in the art. These building blocks are ligated and annealed to form larger nucleic acid fragments which may then be enzymatically assembled to construct the entire desired nucleic acid fragment. "Chemically synthesized", as related to nucleic acid fragment, means that the component nucleotides were assembled *in vitro*. Manual chemical synthesis of nucleic acid fragments may be accomplished using well established procedures, or automated chemical synthesis can be performed using one of a number of commercially available machines. Accordingly, the nucleic acid fragments can be tailored for optimal gene expression based on optimization of nucleotide sequence to reflect the codon bias of the host cell. The skilled artisan appreciates the likelihood of successful gene expression if codon usage is biased towards those codons favored by the host. Determination of preferred codons can be based on a survey of genes derived from the host cell where sequence information is available.

“Gene” refers to a nucleic acid fragment that expresses a specific protein, including regulatory sequences preceding (5' non-coding sequences) and following (3' non-coding sequences) the coding sequence. “Native gene” refers to a gene as found in nature with its own regulatory sequences. “Chimeric gene” refers any gene that is not a native gene,  
5 comprising regulatory and coding sequences that are not found together in nature.

Accordingly, a chimeric gene may comprise regulatory sequences and coding sequences that are derived from different sources, or regulatory sequences and coding sequences derived from the same source, but arranged in a manner different than that found in nature.

“Endogenous gene” refers to a native gene in its natural location in the genome of an  
10 organism. A “foreign” gene refers to a gene not normally found in the host organism, but that is introduced into the host organism by gene transfer. Foreign genes can comprise native genes inserted into a non-native organism, or chimeric genes. A “transgene” is a gene that has been introduced into the genome by a transformation procedure.

“Coding sequence” refers to a nucleotide sequence that codes for a specific amino acid  
15 sequence. “Regulatory sequences” refer to nucleotide sequences located upstream (5' non-coding sequences), within, or downstream (3' non-coding sequences) of a coding sequence, and which influence the transcription, RNA processing or stability, or translation of the associated coding sequence. Regulatory sequences may include promoters, translation leader sequences, introns, and polyadenylation recognition sequences.

“Promoter” refers to a nucleotide sequence capable of controlling the expression of a  
20 coding sequence or functional RNA. In general, a coding sequence is located 3' to a promoter sequence. The promoter sequence consists of proximal and more distal upstream elements, the latter elements often referred to as enhancers. Accordingly, an “enhancer” is a nucleotide sequence which can stimulate promoter activity and may be an innate element of  
25 the promoter or a heterologous element inserted to enhance the level or tissue-specificity of a promoter. Promoters may be derived in their entirety from a native gene, or be composed of different elements derived from different promoters found in nature, or even comprise synthetic nucleotide segments. It is understood by those skilled in the art that different promoters may direct the expression of a gene in different tissues or cell types, or at  
30 different stages of development, or in response to different environmental conditions. Promoters which cause a nucleic acid fragment to be expressed in most cell types at most times are commonly referred to as “constitutive promoters”. New promoters of various types useful in plant cells are constantly being discovered; numerous examples may be found in the compilation by Okamuro and Goldberg (1989) *Biochemistry of Plants* 15:1-82.  
35 It is further recognized that since in most cases the exact boundaries of regulatory sequences have not been completely defined, nucleic acid fragments of different lengths may have identical promoter activity.

The "translation leader sequence" refers to a nucleotide sequence located between the promoter sequence of a gene and the coding sequence. The translation leader sequence is present in the fully processed mRNA upstream of the translation start sequence. The translation leader sequence may affect processing of the primary transcript to mRNA, mRNA stability or translation efficiency. Examples of translation leader sequences have been described (Turner and Foster (1995) *Mol. Biotechnol.* 3:225-236).

The "3' non-coding sequences" refer to nucleotide sequences located downstream of a coding sequence and include polyadenylation recognition sequences and other sequences encoding regulatory signals capable of affecting mRNA processing or gene expression. The polyadenylation signal is usually characterized by affecting the addition of polyadenylic acid tracts to the 3' end of the mRNA precursor. The use of different 3' non-coding sequences is exemplified by Ingelbrecht et al. (1989) *Plant Cell* 1:671-680.

"RNA transcript" refers to the product resulting from RNA polymerase-catalyzed transcription of a DNA sequence. When the RNA transcript is a perfect complementary copy of the DNA sequence, it is referred to as the primary transcript or it may be a RNA sequence derived from posttranscriptional processing of the primary transcript and is referred to as the mature RNA. "Messenger RNA (mRNA)" refers to the RNA that is without introns and that can be translated into polypeptide by the cell. "cDNA" refers to a double-stranded DNA that is complementary to and derived from mRNA. "Sense" RNA refers to an RNA transcript that includes the mRNA and so can be translated into a polypeptide by the cell. "Antisense RNA" refers to an RNA transcript that is complementary to all or part of a target primary transcript or mRNA and that blocks the expression of a target gene (see U.S. Patent No. 5,107,065, incorporated herein by reference). The complementarity of an antisense RNA may be with any part of the specific nucleotide sequence, i.e., at the 5' non-coding sequence, 3' non-coding sequence, introns, or the coding sequence. "Functional RNA" refers to sense RNA, antisense RNA, ribozyme RNA, or other RNA that may not be translated but yet has an effect on cellular processes.

The term "operably linked" refers to the association of two or more nucleic acid fragments on a single nucleic acid fragment so that the function of one is affected by the other. For example, a promoter is operably linked with a coding sequence when it is capable of affecting the expression of that coding sequence (i.e., that the coding sequence is under the transcriptional control of the promoter). Coding sequences can be operably linked to regulatory sequences in sense or antisense orientation.

The term "expression", as used herein, refers to the transcription and stable accumulation of sense (mRNA) or antisense RNA derived from the nucleic acid fragment of the invention. Expression may also refer to translation of mRNA into a polypeptide. "Antisense inhibition" refers to the production of antisense RNA transcripts capable of suppressing the expression of the target protein. "Overexpression" refers to the production

of a gene product in transgenic organisms that exceeds levels of production in normal or non-transformed organisms. "Co-suppression" refers to the production of sense RNA transcripts capable of suppressing the expression of identical or substantially similar foreign or endogenous genes (U.S. Patent No. 5,231,020, incorporated herein by reference).

5 "Altered levels" refers to the production of gene product(s) in transgenic organisms in amounts or proportions that differ from that of normal or non-transformed organisms.

"Mature" protein refers to a post-translationally processed polypeptide; i.e., one from which any pre- or propeptides present in the primary translation product have been removed.

10 "Precursor" protein refers to the primary product of translation of mRNA; i.e., with pre- and propeptides still present. Pre- and propeptides may be but are not limited to intracellular localization signals.

A "chloroplast transit peptide" is an amino acid sequence which is translated in conjunction with a protein and directs the protein to the chloroplast or other plastid types present in the cell in which the protein is made. "Chloroplast transit sequence" refers to a  
15 nucleotide sequence that encodes a chloroplast transit peptide. A "signal peptide" is an amino acid sequence which is translated in conjunction with a protein and directs the protein to the secretory system (Chrispeels (1991) *Ann. Rev. Plant Phys. Plant Mol. Biol.* 42:21-53). If the protein is to be directed to a vacuole, a vacuolar targeting signal (*supra*) can further be added, or if to the endoplasmic reticulum, an endoplasmic reticulum retention signal (*supra*)  
20 may be added. If the protein is to be directed to the nucleus, any signal peptide present should be removed and instead a nuclear localization signal included (Raikhel (1992) *Plant Phys.* 100:1627-1632).

"Transformation" refers to the transfer of a nucleic acid fragment into the genome of a host organism, resulting in genetically stable inheritance. Host organisms containing the  
25 transformed nucleic acid fragments are referred to as "transgenic" organisms. Examples of methods of plant transformation include *Agrobacterium*-mediated transformation (De Blaere et al. (1987) *Meth. Enzymol.* 143:277) and particle-accelerated or "gene gun" transformation technology (Klein et al. (1987) *Nature (London)* 327:70-73; U.S. Patent No. 4,945,050, incorporated herein by reference).

30 Standard recombinant DNA and molecular cloning techniques used herein are well known in the art and are described more fully in Sambrook et al. *Molecular Cloning: A Laboratory Manual*; Cold Spring Harbor Laboratory Press: Cold Spring Harbor, 1989 (hereinafter "Maniatis").

35 Nucleic acid fragments encoding at least a portion of several Mlo homologs have been isolated and identified by comparison of random plant cDNA sequences to public databases containing nucleotide and protein sequences using the BLAST algorithms well known to those skilled in the art. The nucleic acid fragments of the instant invention may be used to isolate cDNAs and genes encoding homologous proteins from the same or other plant

species. Isolation of homologous genes using sequence-dependent protocols is well known in the art. Examples of sequence-dependent protocols include, but are not limited to, methods of nucleic acid hybridization, and methods of DNA and RNA amplification as exemplified by various uses of nucleic acid amplification technologies (e.g., polymerase chain reaction, ligase chain reaction).

For example, genes encoding other Mlo homologs, either as cDNAs or genomic DNAs, could be isolated directly by using all or a portion of the instant nucleic acid fragments as DNA hybridization probes to screen libraries from any desired plant employing methodology well known to those skilled in the art. Specific oligonucleotide probes based upon the instant nucleic acid sequences can be designed and synthesized by methods known in the art (Maniatis). Moreover, the entire sequences can be used directly to synthesize DNA probes by methods known to the skilled artisan such as random primer DNA labeling, nick translation, or end-labeling techniques, or RNA probes using available *in vitro* transcription systems. In addition, specific primers can be designed and used to amplify a part or all of the instant sequences. The resulting amplification products can be labeled directly during amplification reactions or labeled after amplification reactions, and used as probes to isolate full length cDNA or genomic fragments under conditions of appropriate stringency.

In addition, two short segments of the instant nucleic acid fragments may be used in polymerase chain reaction protocols to amplify longer nucleic acid fragments encoding homologous genes from DNA or RNA. The polymerase chain reaction may also be performed on a library of cloned nucleic acid fragments wherein the sequence of one primer is derived from the instant nucleic acid fragments, and the sequence of the other primer takes advantage of the presence of the polyadenylic acid tracts to the 3' end of the mRNA precursor encoding plant genes. Alternatively, the second primer sequence may be based upon sequences derived from the cloning vector. For example, the skilled artisan can follow the RACE protocol (Frohman et al. (1988) *Proc. Natl. Acad. Sci. USA* 85:8998-9002) to generate cDNAs by using PCR to amplify copies of the region between a single point in the transcript and the 3' or 5' end. Primers oriented in the 3' and 5' directions can be designed from the instant sequences. Using commercially available 3' RACE or 5' RACE systems (BRL), specific 3' or 5' cDNA fragments can be isolated (Ohara et al. (1989) *Proc. Natl. Acad. Sci. USA* 86:5673-5677; Loh et al. (1989) *Science* 243:217-220). Products generated by the 3' and 5' RACE procedures can be combined to generate full-length cDNAs (Frohman and Martin (1989) *Techniques* 1:165). Consequently, a polynucleotide comprising a nucleotide sequence of at least one of 60 (preferably one of at least 40, most preferably one of at least 30) contiguous nucleotides derived from a nucleotide sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 37 and the complement of such nucleotide sequences may be used in such methods

to obtain a nucleic acid fragment encoding a substantial portion of an amino acid sequence of a polypeptide. The present invention relates to a method of obtaining a nucleic acid fragment encoding a substantial portion of a polypeptide of a gene (such as Mlo homologs) preferably a substantial portion of a plant polypeptide of a gene, comprising the steps of :

5 synthesizing an oligonucleotide primer comprising a nucleotide sequence of at least one of 60 (preferably at least one of 40, most preferably at least one of 30) contiguous nucleotides derived from a nucleotide sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 37, and the complement of such nucleotide sequences; and amplifying a nucleic acid fragment (preferably a cDNA inserted

10 in a cloning vector) using the oligonucleotide primer. The amplified nucleic acid fragment preferably will encode a portion of an Mlo homolog polypeptide.

Availability of the instant nucleotide and deduced amino acid sequences facilitates immunological screening of cDNA expression libraries. Synthetic peptides representing portions of the instant amino acid sequences may be synthesized. These peptides can be

15 used to immunize animals to produce polyclonal or monoclonal antibodies with specificity for peptides or proteins comprising the amino acid sequences. These antibodies can be then be used to screen cDNA expression libraries to isolate full-length cDNA clones of interest (Lerner (1984) *Adv. Immunol.* 36:1-34; Maniatis).

The nucleic acid fragments of the instant invention may be used to create transgenic

20 plants in which the disclosed polypeptides are present at higher or lower levels than normal or in cell types or developmental stages in which they are not normally found. This would have the effect of altering the level of disease resistance in those cells.

Overexpression of the proteins of the instant invention may be accomplished by first constructing a chimeric gene in which the coding region is operably linked to a promoter

25 capable of directing expression of a gene in the desired tissues at the desired stage of development. For reasons of convenience, the chimeric gene may comprise promoter sequences and translation leader sequences derived from the same genes. 3' Non-coding sequences encoding transcription termination signals may also be provided. The instant chimeric gene may also comprise one or more introns in order to facilitate gene expression.

Plasmid vectors comprising the instant chimeric gene can then be constructed. The

30 choice of plasmid vector is dependent upon the method that will be used to transform host plants. The skilled artisan is well aware of the genetic elements that must be present on the plasmid vector in order to successfully transform, select and propagate host cells containing the chimeric gene. The skilled artisan will also recognize that different independent

35 transformation events will result in different levels and patterns of expression (Jones et al. (1985) *EMBO J.* 4:2411-2418; De Almeida et al. (1989) *Mol. Gen. Genetics* 218:78-86), and thus that multiple events must be screened in order to obtain lines displaying the desired expression level and pattern. Such screening may be accomplished by Southern analysis of

DNA, Northern analysis of mRNA expression, Western analysis of protein expression, or phenotypic analysis.

For some applications it may be useful to direct the instant polypeptides to different cellular compartments, or to facilitate its secretion from the cell. It is thus envisioned that the chimeric gene described above may be further supplemented by directing the coding sequence to encode the instant polypeptides with appropriate intracellular targeting sequences such as transit sequences (Keegstra (1989) *Cell* 56:247-253), signal sequences or sequences encoding endoplasmic reticulum localization (Chrispeels (1991) *Ann. Rev. Plant Phys. Plant Mol. Biol.* 42:21-53), or nuclear localization signals (Raikhel (1992) *Plant Phys.* 100:1627-1632) with or without removing targeting sequences that are already present. While the references cited give examples of each of these, the list is not exhaustive and more targeting signals of use may be discovered in the future.

It may also be desirable to reduce or eliminate expression of genes encoding the instant polypeptides in plants for some applications. In order to accomplish this, a chimeric gene designed for co-suppression of the instant polypeptide can be constructed by linking a gene or gene fragment encoding that polypeptide to plant promoter sequences. Alternatively, a chimeric gene designed to express antisense RNA for all or part of the instant nucleic acid fragment can be constructed by linking the gene or gene fragment in reverse orientation to plant promoter sequences. Either the co-suppression or antisense chimeric genes could be introduced into plants via transformation wherein expression of the corresponding endogenous genes are reduced or eliminated.

Molecular genetic solutions to the generation of plants with altered gene expression have a decided advantage over more traditional plant breeding approaches. Changes in plant phenotypes can be produced by specifically inhibiting expression of one or more genes by antisense inhibition or cosuppression (U.S. Patent Nos. 5,190,931, 5,107,065 and 5,283,323). An antisense or cosuppression construct would act as a dominant negative regulator of gene activity. While conventional mutations can yield negative regulation of gene activity these effects are most likely recessive. The dominant negative regulation available with a transgenic approach may be advantageous from a breeding perspective. In addition, the ability to restrict the expression of specific phenotype to the reproductive tissues of the plant by the use of tissue specific promoters may confer agronomic advantages relative to conventional mutations which may have an effect in all tissues in which a mutant gene is ordinarily expressed.

The person skilled in the art will know that special considerations are associated with the use of antisense or cosuppression technologies in order to reduce expression of particular genes. For example, the proper level of expression of sense or antisense genes may require the use of different chimeric genes utilizing different regulatory elements known to the skilled artisan. Once transgenic plants are obtained by one of the methods described above,

it will be necessary to screen individual transgenics for those that most effectively display the desired phenotype. Accordingly, the skilled artisan will develop methods for screening large numbers of transformants. The nature of these screens will generally be chosen on practical grounds, and is not an inherent part of the invention. For example, one can screen by looking for changes in gene expression by using antibodies specific for the protein encoded by the gene being suppressed, or one could establish assays that specifically measure enzyme activity. A preferred method will be one which allows large numbers of samples to be processed rapidly, since it will be expected that a large number of transformants will be negative for the desired phenotype.

The instant polypeptides (or portions thereof) may be produced in heterologous host cells, particularly in the cells of microbial hosts, and can be used to prepare antibodies to the these proteins by methods well known to those skilled in the art. The antibodies are useful for detecting the polypeptides of the instant invention *in situ* in cells or *in vitro* in cell extracts. Preferred heterologous host cells for production of the instant polypeptides are microbial hosts. Microbial expression systems and expression vectors containing regulatory sequences that direct high level expression of foreign proteins are well known to those skilled in the art. Any of these could be used to construct a chimeric gene for production of the instant polypeptides. This chimeric gene could then be introduced into appropriate microorganisms via transformation to provide high level expression of the encoded Mlo homolog. An example of a vector for high level expression of the instant polypeptides in a bacterial host is provided (Example 6).

All or a substantial portion of the nucleic acid fragments of the instant invention may also be used as probes for genetically and physically mapping the genes that they are a part of, and as markers for traits linked to those genes. Such information may be useful in plant breeding in order to develop lines with desired phenotypes. For example, the instant nucleic acid fragments may be used as restriction fragment length polymorphism (RFLP) markers. Southern blots (Maniatis) of restriction-digested plant genomic DNA may be probed with the nucleic acid fragments of the instant invention. The resulting banding patterns may then be subjected to genetic analyses using computer programs such as MapMaker (Lander et al. (1987) *Genomics* 1:174-181) in order to construct a genetic map. In addition, the nucleic acid fragments of the instant invention may be used to probe Southern blots containing restriction endonuclease-treated genomic DNAs of a set of individuals representing parent and progeny of a defined genetic cross. Segregation of the DNA polymorphisms is noted and used to calculate the position of the instant nucleic acid sequence in the genetic map previously obtained using this population (Botstein et al. (1980) *Am. J. Hum. Genet.* 32:314-331).

The production and use of plant gene-derived probes for use in genetic mapping is described in Bernatzky and Tanksley (1986) *Plant Mol. Biol. Reporter* 4:37-41. Numerous



publications describe genetic mapping of specific cDNA clones using the methodology outlined above or variations thereof. For example, F2 intercross populations, backcross populations, randomly mated populations, near isogenic lines, and other sets of individuals may be used for mapping. Such methodologies are well known to those skilled in the art.

5 Nucleic acid probes derived from the instant nucleic acid sequences may also be used for physical mapping (i.e., placement of sequences on physical maps; *see* Hoheisel et al. In: *Nonmammalian Genomic Analysis: A Practical Guide*, Academic press 1996, pp. 319-346, and references cited therein).

10 In another embodiment, nucleic acid probes derived from the instant nucleic acid sequences may be used in direct fluorescence *in situ* hybridization (FISH) mapping (Trask (1991) *Trends Genet.* 7:149-154). Although current methods of FISH mapping favor use of large clones (several to several hundred KB; *see* Laan et al. (1995) *Genome Res.* 5:13-20), improvements in sensitivity may allow performance of FISH mapping using shorter probes.

15 A variety of nucleic acid amplification-based methods of genetic and physical mapping may be carried out using the instant nucleic acid sequences. Examples include allele-specific amplification (Kazazian (1989) *J. Lab. Clin. Med.* 11:95-96), polymorphism of PCR-amplified fragments (CAPS; Sheffield et al. (1993) *Genomics* 16:325-332), allele-specific ligation (Landegren et al. (1988) *Science* 241:1077-1080), nucleotide extension reactions (Sokolov (1990) *Nucleic Acid Res.* 18:3671), Radiation Hybrid Mapping (Walter et al. (1997) *Nat. Genet.* 7:22-28) and Happy Mapping (Dear and Cook (1989) *Nucleic Acid Res.* 17:6795-6807). For these methods, the sequence of a nucleic acid fragment is used to design and produce primer pairs for use in the amplification reaction or in primer extension reactions. The design of such primers is well known to those skilled in the art. In methods employing PCR-based genetic mapping, it may be necessary to identify DNA sequence differences between the parents of the mapping cross in the region corresponding to the instant nucleic acid sequence. This, however, is generally not necessary for mapping methods.

20 Loss of function mutant phenotypes may be identified for the instant cDNA clones either by targeted gene disruption protocols or by identifying specific mutants for these genes contained in a maize population carrying mutations in all possible genes (Ballinger and Benzer (1989) *Proc. Natl. Acad. Sci USA* 86:9402-9406; Koes et al. (1995) *Proc. Natl. Acad. Sci USA* 92:8149-8153; Bensen et al. (1995) *Plant Cell* 7:75-84). The latter approach may be accomplished in two ways. First, short segments of the instant nucleic acid fragments may be used in polymerase chain reaction protocols in conjunction with a mutation tag sequence primer on DNAs prepared from a population of plants in which Mutator transposons or some other mutation-causing DNA element has been introduced (see Bensen, *supra*). The amplification of a specific DNA fragment with these primers indicates the insertion of the mutation tag element in or near the plant gene encoding the

instant polypeptides. Alternatively, the instant nucleic acid fragment may be used as a hybridization probe against PCR amplification products generated from the mutation population using the mutation tag sequence primer in conjunction with an arbitrary genomic site primer, such as that for a restriction enzyme site-anchored synthetic adaptor. With either method, a plant containing a mutation in the endogenous gene encoding the instant polypeptides can be identified and obtained. This mutant plant can then be used to determine or confirm the natural function of the instant polypeptides disclosed herein.

### EXAMPLES

The present invention is further defined in the following Examples, in which all parts and percentages are by weight and degrees are Celsius, unless otherwise stated. It should be understood that these Examples, while indicating preferred embodiments of the invention, are given by way of illustration only. From the above discussion and these Examples, one skilled in the art can ascertain the essential characteristics of this invention, and without departing from the spirit and scope thereof, can make various changes and modifications of the invention to adapt it to various usages and conditions.

#### EXAMPLE 1

##### Composition of cDNA Libraries: Isolation and Sequencing of cDNA Clones

cDNA libraries representing mRNAs from various rice, soybean, and wheat tissues were prepared. The characteristics of the libraries are described below.

TABLE 2

cDNA Libraries from Rice, Soybean, and Wheat

Library	Tissue	Clone
rl0n	Rice 15 Day Old Leaf*	rl0n.pk087.m5
rl0n	Rice 15 Day Old Leaf*	rl0n.pk105.g24
rl0n	Rice 15 Day Old Leaf*	rl0n.pk128.i12
rlr24	Rice Leaf 15 Days After Germination, 24 Hours After Infection of Strain <i>Magaporthe grisea</i> 4360-R-62 (AVR2-YAMO); Resistant	rlr24.pk0047.b5
rls24	Rice Leaf 15 Days After Germination, 24 Hours After Infection of Strain <i>Magaporthe grisea</i> 4360-R-67 (AVR2-YAMO); Susceptible	rls24.pk0009.g5
rr1	Rice Root of Two Week Old Developing Seedling	rr1.pk078.d1
rtc1c	Rice Leaf Harvested 4, 8, and 24 Hours After Inoculation With Fungal Strain 0184, Pooled.	rtc1c.pk001.c23.f
rth1c	Rice Leaf Inoculated With Fungal Strain 429	rth1c.pk006.o23.f
sdp2c	Soybean Developing Pods (6-7 mm)	sdp2c.pk026.g24
sdp4c	Soybean Developing Pods (10-12 mm)	sdp4c.pk003.l11
sds9n	Soybean Developing Seeds 6 to 26 Days After Flowering*	sds9n.pk001.j10
sfl1	Soybean Immature Flower	sfl1.pk0104.g10

Library	Tissue	Clone
sr1	Soybean Root	sr1.pk0049.c5
sr1	Soybean Root	src2c.pk002.h11
wdr1	Wheat Developing Root and Leaf	wdr1.pk0006.a3
wlm0	Wheat Seedlings 0 Hour After Inoculation With <i>Erysiphe graminis f. sp tritici</i>	wlm0.pk039.m9
wlm96	Wheat Seedlings 96 Hours After Inoculation With <i>Erysiphe graminis f. sp tritici</i>	wlm96.pk046.j8
wlmk4	Wheat Seedlings 4 Hours After Inoculation With <i>Erysiphe graminis f. sp tritici</i> and treatment with Herbicide**	wlmk4.pk0025.f7
wre1n	Wheat Root From 7 Day Old Etiolated Seedling*	wre1n.pk0154.g11

\* These libraries were normalized essentially as described in U.S. Patent No. 5,482,845, incorporated herein by reference.

\*\* Application of 6-iodo-2-propoxy-3-propyl-4(3*H*)-quinazolinone; synthesis and methods of using this compound are described in USSN 08/545.827, incorporated herein by reference.

cDNA libraries may be prepared by any one of many methods available. For example, the cDNAs may be introduced into plasmid vectors by first preparing the cDNA libraries in Uni-ZAP™ XR vectors according to the manufacturer's protocol (Stratagene Cloning Systems, La Jolla, CA). The Uni-ZAP™ XR libraries are converted into plasmid libraries according to the protocol provided by Stratagene. Upon conversion, cDNA inserts will be contained in the plasmid vector pBluescript. In addition, the cDNAs may be introduced directly into precut Bluescript II SK(+) vectors (Stratagene) using T4 DNA ligase (New England Biolabs), followed by transfection into DH10B cells according to the manufacturer's protocol (GIBCO BRL Products). Once the cDNA inserts are in plasmid vectors, plasmid DNAs are prepared from randomly picked bacterial colonies containing recombinant pBluescript plasmids, or the insert cDNA sequences are amplified via polymerase chain reaction using primers specific for vector sequences flanking the inserted cDNA sequences. Amplified insert DNAs or plasmid DNAs are sequenced in dye-primer sequencing reactions to generate partial cDNA sequences (expressed sequence tags or "ESTs"; see Adams et al., (1991) *Science* 252:1651-1656). The resulting ESTs are analyzed using a Perkin Elmer Model 377 fluorescent sequencer.

#### EXAMPLE 2

##### Identification of cDNA Clones

cDNA clones encoding Mlo homologs were identified by conducting BLAST (Basic Local Alignment Search Tool; Altschul et al. (1993) *J. Mol. Biol.* 215:403-410; see also [www.ncbi.nlm.nih.gov/BLAST/](http://www.ncbi.nlm.nih.gov/BLAST/)) searches for similarity to sequences contained in the BLAST "nr" database (comprising all non-redundant GenBank CDS translations, sequences

derived from the 3-dimensional structure Brookhaven Protein Data Bank, the last major release of the SWISS-PROT protein sequence database, EMBL, and DDBJ databases). The cDNA sequences obtained in Example 1 were analyzed for similarity to all publicly available DNA sequences contained in the "nr" database using the BLASTN algorithm provided by the National Center for Biotechnology Information (NCBI). The DNA sequences were translated in all reading frames and compared for similarity to all publicly available protein sequences contained in the "nr" database using the BLASTX algorithm (Gish and States (1993) *Nat. Genet.* 3:266-272) provided by the NCBI. For convenience, the P-value (probability) of observing a match of a cDNA sequence to a sequence contained in the searched databases merely by chance as calculated by BLAST are reported herein as "pLog" values, which represent the negative of the logarithm of the reported P-value. Accordingly, the greater the pLog value, the greater the likelihood that the cDNA sequence and the BLAST "hit" represent homologous proteins.

### EXAMPLE 3

#### Characterization of cDNA Clones Encoding Mlo Homologs

The BLASTX search using the nucleotide sequences from clones listed in Table 3 revealed similarity of the polypeptides encoded by the cDNAs to Mlo protein from *Hordeum vulgare* (NCBI General Identifier No. 1877221), by the BAC genomic sequences to Mlo homologs from *Arabidopsis thaliana* (NCBI General Identifier Nos. 2459447, 3212880), or by the contig to Mlo-h1 from *Arabidopsis thaliana* (NCBI General Identifier No. 2765817). Shown in Table 3 are the BLAST results for individual ESTs ("EST"), the sequences of the entire cDNA inserts comprising the indicated cDNA clones ("FIS"), contigs assembled from an FIS and one or more ESTs ("Contig\*"), or sequences encoding the entire protein derived from an FIS, or an FIS and PCR ("CGS"):

TABLE 3  
BLAST Results for Sequences Encoding Polypeptides  
Homologous to Mlo Protein

Clone	Status	NCBI General Identifier No.	BLAST pLog Score
Contig of: rl0n.pk105.g24 rls24.pk0009.g5:fis	Contig*	2459447	60.00
rlr24.pk0047.b5	EST	3212880	9.70
rr1.pk078.d1	EST	1877221	42.70
sdp4c.pk003.l11	FIS	2765817	<254
sds9n.pk001.j10	EST	1877221	117.0
sr1.pk0049.c5	FIS	2494143	167.0
src2c.pk002.h11	FIS	2765817	36.04

Clone	Status	NCBI General Identifier No.	BLAST pLog Score
wdr1.pk0006.a3	FIS	1877221	116.0
wlmk4.pk0025.f7	EST	2765817	166.0
wre1n.pk0154.g11	EST	2765817	21.00

The sequence from the contig assembled from clones rl0n.pk105.g24 and  
 rls24.pk0009.g5: fis and shown in SEQ ID NO:1, is identical to the sequence of the entire  
 5 cDNA insert in clone rl0n.pk105.g24, and contains two introns. The first intron  
 encompasses nucleotides 379 through 680 and the second intron contains nucleotides 716  
 through 800. The sequence of the entire cDNA insert in clone wlmk4.pk0025.f7 was  
 determined, PCR was used to determine the 5' sequence from clone wdr1.pk0006.a3, and  
 further sequencing and searching of the DuPont proprietary database allowed the  
 10 identification of other clones encoding Mlo homologs. The BLASTX search using the  
 nucleotide sequences from clones listed in Table 4 revealed similarity of the polypeptides  
 encoded by the cDNAs to Mlo protein from *Hordeum vulgare* (NCBI General Identifier  
 No. 1877221), by the contigs to Mlo homologs from *Arabidopsis thaliana* (NCBI General  
 Identifier Nos. 5051767 and 4585879), by the contig to Mlo-h1 from *Hordeum vulgare*  
 15 (NCBI General Identifier No. 2765821), or by the contig to Mlo-h1 homolog from  
*Arabidopsis thaliana* (NCBI General Identifier No. 2765817). Shown in Table 4 are the  
 BLAST results for individual ESTs ("EST"), the sequences of the entire cDNA inserts  
 comprising the indicated cDNA clones ("FIS"), contigs assembled from two or more ESTs  
 ("Contig"), or sequences encoding the entire protein derived from an FIS, or an FIS and  
 20 PCR ("CGS"):

TABLE 4  
 BLAST Results for Sequences Encoding Polypeptides  
 Homologous to Mlo Protein

Clone	Status	NCBI General Identifier No.	BLAST pLog Score
rl0n.pk087.m5	EST	2765817	78.00
Contig of: rl0n.pk128.i12 rth1c.pk006.o23.f	Contig	2765817	55.70
rtc1c.pk001.c23.f	EST	5051767	22.30
sdp2c.pk026.g24	FIS	4585879	107.00
sfl1.pk0104.g10	EST	4585879	27.00
wdr1.pk0006.a3:cgs	CGS	1877221	>254.00

Clone	Status	NCBI General Identifier No.	BLAST pLog Score
wlm0.pk039.m9	EST	2765821	23.52
wlm96.pk046.j8	EST	5051767	41.30
wlmk4.pk0025.f7: fis	CGS	2765817	150.00

Figure 1 presents an alignment of the amino acid sequences set forth in SEQ ID NOs:8, 12, 14, 28, 32, and 38, the *Hordeum vulgare* Mlo sequence (SEQ ID NO:39), the *Arabidopsis thaliana* Mlo homolog sequences (SEQ ID NO:40 and SEQ ID NO:42), and the *Arabidopsis thaliana* Mlo-h1 sequence (SEQ ID NO:41). The data in Table 5 presents a calculation of the percent identity of the amino acid sequences set forth in SEQ ID NOs:2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, and 38 and the *Hordeum vulgare* Mlo sequence (SEQ ID NO:39), the *Arabidopsis thaliana* Mlo homolog sequences (SEQ ID NO:40 and SEQ ID NO:42), and the *Arabidopsis thaliana* Mlo-h1 sequence (SEQ ID NO:41).

TABLE 4

Percent Identity of Amino Acid Sequences Deduced From the Nucleotide Sequences of cDNA Clones Encoding Polypeptides Homologous to Mlo Protein

SEQ ID NO.	Percent Identity to			
	1877221	2494143	2765817	4585879
2	32.3	38.1	31.3	31.6
4	22.9	31.2	27.5	25.7
6	58.5	18.5	14.6	22.3
8	35.9	36.7	65.9	36.5
10	92.0	36.9	31.0	40.1
12	39.7	53.3	36.3	40.5
14	39.4	45.2	63.5	48.1
16	92.8	32.0	26.6	35.6
18	37.6	36.7	54.9	38.0
20	19.7	18.5	31.8	23.6
22	36.7	41.4	65.1	37.9
24	28.0	25.6	38.6	28.5
26	31.5	29.7	39.6	36.0
28	45.6	45.6	38.0	63.8
30	44.2	33.8	27.3	63.6
32	86.9	41.1	34.8	43.9

SEQ ID NO.	Percent Identity to			
	1877221	2494143	2765817	4585879
34	51.5	43.9	36.4	39.4
36	44.1	39.4	46.5	39.4
38	35.5	34.1	51.9	35.5

Sequence alignments and percent identity calculations were performed using the Megalign program of the LASERGENE bioinformatics computing suite (DNASTAR Inc., Madison, WI). Multiple alignment of the sequences was performed using the Clustal method of alignment (Higgins and Sharp (1989) *CABIOS*. 5:151-153) with the default parameters (GAP PENALTY=10, GAP LENGTH PENALTY=10). Default parameters for pairwise alignments using the Clustal method were KTUPLE 1, GAP PENALTY=3, WINDOW=5 and DIAGONALS SAVED=5. Sequence alignments and BLAST scores and probabilities indicate that the nucleic acid fragments comprising the instant cDNA clones encode substantial portions of rice, soybean, and wheat Mlo homologs and entire or nearly entire soybean and wheat Mlo homologs. These sequences represent the first rice, soybean, and wheat sequences encoding Mlo homologs.

#### EXAMPLE 4

##### Expression of Chimeric Genes in Monocot Cells

A chimeric gene comprising a cDNA encoding the instant polypeptides in sense orientation with respect to the maize 27 kD zein promoter that is located 5' to the cDNA fragment, and the 10 kD zein 3' end that is located 3' to the cDNA fragment, can be constructed. The cDNA fragment of this gene may be generated by polymerase chain reaction (PCR) of the cDNA clone using appropriate oligonucleotide primers. Cloning sites (NcoI or SmaI) can be incorporated into the oligonucleotides to provide proper orientation of the DNA fragment when inserted into the digested vector pML103 as described below. Amplification is then performed in a standard PCR. The amplified DNA is then digested with restriction enzymes NcoI and SmaI and fractionated on an agarose gel. The appropriate band can be isolated from the gel and combined with a 4.9 kb NcoI-SmaI fragment of the plasmid pML103. Plasmid pML103 has been deposited under the terms of the Budapest Treaty at ATCC (American Type Culture Collection, 10801 University Blvd., Manassas, VA 20110-2209), and bears accession number ATCC 97366. The DNA segment from pML103 contains a 1.05 kb Sall-NcoI promoter fragment of the maize 27 kD zein gene and a 0.96 kb SmaI-SalI fragment from the 3' end of the maize 10 kD zein gene in the vector pGem9Zf(+) (Promega). Vector and insert DNA can be ligated at 15°C overnight, essentially as described (Maniatis). The ligated DNA may then be used to transform *E. coli* XL1-Blue (Epicurian Coli XL-1 Blue™; Stratagene). Bacterial transformants can be

screened by restriction enzyme digestion of plasmid DNA and limited nucleotide sequence analysis using the dideoxy chain termination method (Sequenase™ DNA Sequencing Kit; U.S. Biochemical). The resulting plasmid construct would comprise a chimeric gene encoding, in the 5' to 3' direction, the maize 27 kD zein promoter, a cDNA fragment  
5 encoding the instant polypeptides, and the 10 kD zein 3' region.

The chimeric gene described above can then be introduced into corn cells by the following procedure. Immature corn embryos can be dissected from developing caryopses derived from crosses of the inbred corn lines H99 and LH132. The embryos are isolated 10 to 11 days after pollination when they are 1.0 to 1.5 mm long. The embryos are then placed  
10 with the axis-side facing down and in contact with agarose-solidified N6 medium (Chu et al. (1975) *Sci. Sin. Peking* 18:659-668). The embryos are kept in the dark at 27°C. Friable embryogenic callus consisting of undifferentiated masses of cells with somatic proembryoids and embryoids borne on suspensor structures proliferates from the scutellum of these immature embryos. The embryogenic callus isolated from the primary explant can  
15 be cultured on N6 medium and sub-cultured on this medium every 2 to 3 weeks.

The plasmid, p35S/Ac (obtained from Dr. Peter Eckes, Hoechst Ag, Frankfurt, Germany) may be used in transformation experiments in order to provide for a selectable marker. This plasmid contains the *Pat* gene (see European Patent Publication 0 242 236) which encodes phosphinothricin acetyl transferase (PAT). The enzyme PAT confers  
20 resistance to herbicidal glutamine synthetase inhibitors such as phosphinothricin. The *pat* gene in p35S/Ac is under the control of the 35S promoter from Cauliflower Mosaic Virus (Odell et al. (1985) *Nature* 313:810-812) and the 3' region of the nopaline synthase gene from the T-DNA of the Ti plasmid of *Agrobacterium tumefaciens*.

The particle bombardment method (Klein et al. (1987) *Nature* 327:70-73) may be used  
25 to transfer genes to the callus culture cells. According to this method, gold particles (1 µm in diameter) are coated with DNA using the following technique. Ten µg of plasmid DNAs are added to 50 µL of a suspension of gold particles (60 mg per mL). Calcium chloride (50 µL of a 2.5 M solution) and spermidine free base (20 µL of a 1.0 M solution) are added to the particles. The suspension is vortexed during the addition of these solutions. After  
30 10 minutes, the tubes are briefly centrifuged (5 sec at 15,000 rpm) and the supernatant removed. The particles are resuspended in 200 µL of absolute ethanol, centrifuged again and the supernatant removed. The ethanol rinse is performed again and the particles resuspended in a final volume of 30 µL of ethanol. An aliquot (5 µL) of the DNA-coated gold particles can be placed in the center of a Kapton™ flying disc (Bio-Rad Labs). The  
35 particles are then accelerated into the corn tissue with a Biolistic™ PDS-1000/He (Bio-Rad Instruments, Hercules CA), using a helium pressure of 1000 psi, a gap distance of 0.5 cm and a flying distance of 1.0 cm.



For bombardment, the embryogenic tissue is placed on filter paper over agarose-solidified N6 medium. The tissue is arranged as a thin lawn and covered a circular area of about 5 cm in diameter. The petri dish containing the tissue can be placed in the chamber of the PDS-1000/He approximately 8 cm from the stopping screen. The air in the chamber is then evacuated to a vacuum of 28 inches of Hg. The macrocarrier is accelerated with a helium shock wave using a rupture membrane that bursts when the He pressure in the shock tube reaches 1000 psi.

Seven days after bombardment the tissue can be transferred to N6 medium that contains gluphosinate (2 mg per liter) and lacks casein or proline. The tissue continues to grow slowly on this medium. After an additional 2 weeks the tissue can be transferred to fresh N6 medium containing gluphosinate. After 6 weeks, areas of about 1 cm in diameter of actively growing callus can be identified on some of the plates containing the glufosinate-supplemented medium. These calli may continue to grow when sub-cultured on the selective medium.

Plants can be regenerated from the transgenic callus by first transferring clusters of tissue to N6 medium supplemented with 0.2 mg per liter of 2,4-D. After two weeks the tissue can be transferred to regeneration medium (Fromm et al. (1990) *Bio/Technology* 8:833-839).

#### EXAMPLE 5

##### Expression of Chimeric Genes in Dicot Cells

A seed-specific expression cassette composed of the promoter and transcription terminator from the gene encoding the  $\beta$  subunit of the seed storage protein phaseolin from the bean *Phaseolus vulgaris* (Doyle et al. (1986) *J. Biol. Chem.* 261:9228-9238) can be used for expression of the instant polypeptides in transformed soybean. The phaseolin cassette includes about 500 nucleotides upstream (5') from the translation initiation codon and about 1650 nucleotides downstream (3') from the translation stop codon of phaseolin. Between the 5' and 3' regions are the unique restriction endonuclease sites Nco I (which includes the ATG translation initiation codon), Sma I, Kpn I and Xba I. The entire cassette is flanked by Hind III sites.

The cDNA fragment of this gene may be generated by polymerase chain reaction (PCR) of the cDNA clone using appropriate oligonucleotide primers. Cloning sites can be incorporated into the oligonucleotides to provide proper orientation of the DNA fragment when inserted into the expression vector. Amplification is then performed as described above, and the isolated fragment is inserted into a pUC18 vector carrying the seed expression cassette.

Soybean embryos may then be transformed with the expression vector comprising sequences encoding the instant polypeptides. To induce somatic embryos, cotyledons, 3-5 mm in length dissected from surface sterilized, immature seeds of the soybean cultivar

A2872, can be cultured in the light or dark at 26°C on an appropriate agar medium for 6-10 weeks. Somatic embryos which produce secondary embryos are then excised and placed into a suitable liquid medium. After repeated selection for clusters of somatic embryos which multiplied as early, globular staged embryos, the suspensions are maintained as described below.

Soybean embryogenic suspension cultures can be maintained in 35 mL liquid media on a rotary shaker, 150 rpm, at 26°C with fluorescent lights on a 16:8 hour day/night schedule. Cultures are subcultured every two weeks by inoculating approximately 35 mg of tissue into 35 mL of liquid medium.

Soybean embryogenic suspension cultures may then be transformed by the method of particle gun bombardment (Klein et al. (1987) *Nature* (London) 327:70-73, U.S. Patent No. 4,945,050). A DuPont Biolistic™ PDS1000/HE instrument (helium retrofit) can be used for these transformations.

A selectable marker gene which can be used to facilitate soybean transformation is a chimeric gene composed of the 35S promoter from Cauliflower Mosaic Virus (Odell et al. (1985) *Nature* 313:810-812), the hygromycin phosphotransferase gene from plasmid pJR225 (from *E. coli*; Gritz et al. (1983) *Gene* 25:179-188) and the 3' region of the nopaline synthase gene from the T-DNA of the Ti plasmid of *Agrobacterium tumefaciens*. The seed expression cassette comprising the phaseolin 5' region, the fragment encoding the instant polypeptides and the phaseolin 3' region can be isolated as a restriction fragment. This fragment can then be inserted into a unique restriction site of the vector carrying the marker gene.

To 50 µL of a 60 mg/mL 1 µm gold particle suspension is added (in order): 5 µL DNA (1 µg/µL), 20 µL spermidine (0.1 M), and 50 µL CaCl<sub>2</sub> (2.5 M). The particle preparation is then agitated for three minutes, spun in a microfuge for 10 seconds and the supernatant removed. The DNA-coated particles are then washed once in 400 µL 70% ethanol and resuspended in 40 µL of anhydrous ethanol. The DNA/particle suspension can be sonicated three times for one second each. Five µL of the DNA-coated gold particles are then loaded on each macro carrier disk.

Approximately 300-400 mg of a two-week-old suspension culture is placed in an empty 60x15 mm petri dish and the residual liquid removed from the tissue with a pipette. For each transformation experiment, approximately 5-10 plates of tissue are normally bombarded. Membrane rupture pressure is set at 1100 psi and the chamber is evacuated to a vacuum of 28 inches mercury. The tissue is placed approximately 3.5 inches away from the retaining screen and bombarded three times. Following bombardment, the tissue can be divided in half and placed back into liquid and cultured as described above.

Five to seven days post bombardment, the liquid media may be exchanged with fresh media, and eleven to twelve days post bombardment with fresh media containing 50 mg/mL hygromycin. This selective media can be refreshed weekly. Seven to eight weeks post

bombardment, green, transformed tissue may be observed growing from untransformed, necrotic embryogenic clusters. Isolated green tissue is removed and inoculated into individual flasks to generate new, clonally propagated, transformed embryogenic suspension cultures. Each new line may be treated as an independent transformation event. These  
5 suspensions can then be subcultured and maintained as clusters of immature embryos or regenerated into whole plants by maturation and germination of individual somatic embryos.

#### EXAMPLE 6

##### Expression of Chimeric Genes in Microbial Cells

The cDNAs encoding the instant polypeptides can be inserted into the T7 *E. coli*  
10 expression vector pBT430. This vector is a derivative of pET-3a (Rosenberg et al. (1987) *Gene* 56:125-135) which employs the bacteriophage T7 RNA polymerase/T7 promoter system. Plasmid pBT430 was constructed by first destroying the EcoR I and Hind III sites in pET-3a at their original positions. An oligonucleotide adaptor containing EcoR I and Hind III sites was inserted at the BamH I site of pET-3a. This created pET-3aM with  
15 additional unique cloning sites for insertion of genes into the expression vector. Then, the Nde I site at the position of translation initiation was converted to an Nco I site using oligonucleotide-directed mutagenesis. The DNA sequence of pET-3aM in this region, 5'-CATATGG, was converted to 5'-CCCATGG in pBT430.

Plasmid DNA containing a cDNA may be appropriately digested to release a nucleic  
20 acid fragment encoding the protein. This fragment may then be purified on a 1% NuSieve GTG™ low melting agarose gel (FMC). Buffer and agarose contain 10 µg/ml ethidium bromide for visualization of the DNA fragment. The fragment can then be purified from the agarose gel by digestion with GELase™ (Epicentre Technologies) according to the manufacturer's instructions, ethanol precipitated, dried and resuspended in 20 µL of water.  
25 Appropriate oligonucleotide adapters may be ligated to the fragment using T4 DNA ligase (New England Biolabs, Beverly, MA). The fragment containing the ligated adapters can be purified from the excess adapters using low melting agarose as described above. The vector pBT430 is digested, dephosphorylated with alkaline phosphatase (NEB) and deproteinized with phenol/chloroform as described above. The prepared vector pBT430 and fragment can  
30 then be ligated at 16°C for 15 hours followed by transformation into DH5 electrocompetent cells (GIBCO BRL). Transformants can be selected on agar plates containing LB media and 100 µg/mL ampicillin. Transformants containing the gene encoding the instant polypeptides are then screened for the correct orientation with respect to the T7 promoter by restriction enzyme analysis.

35 For high level expression, a plasmid clone with the cDNA insert in the correct orientation relative to the T7 promoter can be transformed into *E. coli* strain BL21(DE3) (Studier et al. (1986) *J. Mol. Biol.* 189:113-130). Cultures are grown in LB medium containing ampicillin (100 mg/L) at 25°C. At an optical density at 600 nm of approximately

1, IPTG (isopropylthio- $\beta$ -galactoside, the inducer) can be added to a final concentration of 0.4 mM and incubation can be continued for 3 h at 25°. Cells are then harvested by centrifugation and re-suspended in 50  $\mu$ L of 50 mM Tris-HCl at pH 8.0 containing 0.1 mM DTT and 0.2 mM phenyl methylsulfonyl fluoride. A small amount of 1 mm glass beads can be added and the mixture sonicated 3 times for about 5 seconds each time with a microprobe sonicator. The mixture is centrifuged and the protein concentration of the supernatant determined. One  $\mu$ g of protein from the soluble fraction of the culture can be separated by SDS-polyacrylamide gel electrophoresis. Gels can be observed for protein bands migrating at the expected molecular weight.

Various modifications of the invention in addition to those shown and described herein will be apparent to those skilled in the art from the foregoing description. Such modifications are also intended to fall within the scope of the appended claims.

The disclosure of each reference set forth above is incorporated herein by reference in its entirety.

CLAIMS

What is claimed is:

1. An isolated polynucleotide comprising a first nucleotide sequence encoding a Mlo homolog polypeptide of at least 66 amino acids that has at least 95% identity based on the Clustal method of alignment when compared to a polypeptide selected from the group consisting of SEQ ID NOs:2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, and 38,

or a second nucleotide sequence comprising the complement of the first nucleotide sequence.

2. The isolated polynucleotide of Claim 1, wherein the first nucleotide sequence consists of a nucleic acid sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 37 that codes for the polypeptide selected from the group consisting of SEQ ID NOs:2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, and 38.

3. The isolated polynucleotide of Claim 1 wherein the nucleotide sequences are DNA.

4. The isolated polynucleotide of Claim 1 wherein the nucleotide sequences are RNA.

5. A chimeric gene comprising the isolated polynucleotide of Claim 1 operably linked to suitable regulatory sequences.

6. An isolated host cell comprising the chimeric gene of Claim 5.

7. A host cell comprising an isolated polynucleotide of Claim 1.

8. The host cell of Claim 7 wherein the host cell is selected from the group consisting of yeast, bacteria, plant, and virus.

9. A virus comprising the isolated polynucleotide of Claim 1.

10. A polypeptide of at least 66 amino acids that has at least 95% identity based on the Clustal method of alignment when compared to a polypeptide selected from the group consisting of SEQ ID NOs:2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, and 38.

11. A method of selecting an isolated polynucleotide that affects the level of expression of an Mlo homolog polypeptide in a plant cell, the method comprising the steps of:

(a) constructing an isolated polynucleotide comprising a nucleotide sequence of at least one of 30 contiguous nucleotides derived from an isolated polynucleotide of

Claim 1;

(b) introducing the isolated polynucleotide into a plant cell; and

(c) measuring the level of a polypeptide in the plant cell containing the polynucleotide to provide a positive selection means.

12. The method of Claim 11 wherein the isolated polynucleotide consists of a nucleotide sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 37 that codes for the polypeptide selected from the group consisting of SEQ ID NOs:2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, and 38.

13. A method of selecting an isolated polynucleotide that affects the level of expression of an Mlo homolog polypeptide in a plant cell, the method comprising the steps of:

- (a) constructing an isolated polynucleotide of Claim 1;
- (b) introducing the isolated polynucleotide into a plant cell; and
- (c) measuring the level of polypeptide in the plant cell containing the polynucleotide to provide a positive selection means.

14. A method of obtaining a nucleic acid fragment encoding an Mlo homolog polypeptide comprising the steps of:

- (a) synthesizing an oligonucleotide primer comprising a nucleotide sequence of at least one of 30 contiguous nucleotides derived from a nucleotide sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 37 and the complement of such nucleotide sequences; and
- (b) amplifying a nucleic acid sequence using the oligonucleotide primer.

15. A method of obtaining a nucleic acid fragment encoding an Mlo homolog polypeptide comprising the steps of:

- (a) probing a cDNA or genomic library with an isolated polynucleotide comprising at least one of 30 contiguous nucleotides derived from a nucleotide sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 37 and the complement of such nucleotide sequences;
- (b) identifying a DNA clone that hybridizes with the isolated polynucleotide;
- (c) isolating the identified DNA clone; and
- (d) sequencing the cDNA or genomic fragment that comprises the isolated DNA clone.

16. A composition comprising the isolated polynucleotide of Claim 1.

17. A composition comprising the isolated polypeptide of Claim 10.

18. An isolated polynucleotide comprising the nucleotide sequence having at least one of 30 contiguous nucleotides derived from a nucleic acid sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, and the complement of such sequences.

19. An expression cassette comprising an isolated polynucleotide of Claim 1 operably linked to a promoter.

20. A method for positive selection of a transformed cell comprising:

(a) transforming a host cell with the chimeric gene of Claim 5 or an expression cassette of Claim 19; and

5 (b) growing the transformed host cell under conditions which allow expression of the polynucleotide in an amount sufficient to complement a null mutant to provide a positive selection means.

21. The method of Claim 20 wherein the host cell is a plant cell.
22. The method of Claim 21 wherein the plant cell is a monocot.
23. The method of Claim 21 wherein the plant cell is a dicot.



## INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

<b>(51) International Patent Classification <sup>7</sup> :</b> <b>C12N 15/29, C07K 14/415, C12N 5/10,</b> <b>C12Q 1/68, C12N 15/82</b>		<b>A3</b>	<b>(11) International Publication Number:</b> <b>WO 00/36110</b> <b>(43) International Publication Date:</b> 22 June 2000 (22.06.00)
<b>(21) International Application Number:</b> PCT/US99/30181 <b>(22) International Filing Date:</b> 17 December 1999 (17.12.99) <b>(30) Priority Data:</b> 60/112,737 18 December 1998 (18.12.98) US <b>(71) Applicant (for all designated States except US):</b> E.I. DU PONT DE NEMOURS AND COMPANY [US/US]; 1007 Market Street, Wilmington, DE 19898 (US). <b>(72) Inventors; and</b> <b>(75) Inventors/Applicants (for US only):</b> CAHOON, Rebecca, E. [US/US]; 2331 West 18th Street, Wilmington, DE 19806 (US). MIAO, Guo-Hua [US/US]; 202 Cherry Blossom Place, Hockessin, DE 19707 (US). RAFALSKI, J., Antoni [US/US]; 2028 Longcome Drive, Wilmington, DE 19810 (US). FANG, Yiwen [CN/US]; 203 Louis Lane, Hockessin, DE 19707 (US). SAKAI, Hajime [DE/US]; 105 Banbury Drive, Wilmington, DE 19803 (US). TARAMINO, Graziana [IT/US]; Apartment 3A, 1505 Delaware Avenue, Wilmington, DE 19806 (US). <b>(74) Agent:</b> FEULNER, Gregory, J.; E.I. Du Pont de Nemours and Company, Legal Patent Records Center, 1007 Market Street, Wilmington, DE 19898 (US).			<b>(81) Designated States:</b> AE, AL, AU, BA, BB, BG, BR, CA, CN, CR, CU, CZ, DM, EE, GD, GE, HR, HU, ID, IL, IN, IS, JP, KP, KR, LC, LK, LR, LT, LV, MG, MK, MN, MX, NO, NZ, PL, RO, SG, SI, SK, SL, TR, TT, UA, US, UZ, VN, YU, ZA, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG). <b>Published</b> <i>With international search report.</i> <b>(88) Date of publication of the international search report:</b> 16 November 2000 (16.11.00)
<b>(54) Title:</b> PLANT DISEASE RESISTANCE GENES			
SEQ ID NO:41 M-----GHGGE-----GMSLEFTPTWVAVGVCTVIVAIISLAVERLLH SEQ ID NO:40 MITRSRCRRSLLWFLVFHGGATATGAPSGGKELSQTPTWAVAVVCTFLILISHLLEKGLQ SEQ ID NO:39 M-----SDKKG-VPARELPETPSWAVAVVFAAMVLVSVMELHGLH SEQ ID NO:42 M-----ADQ---VKEKTLEETSTWAVAVVCFVLLLSIVIEKLIH SEQ ID NO:08 M-----SGGGEE-----GATLEFTPTWVVAFACTVIVAIISLAAERLLH SEQ ID NO:12 M-----AAGSSSSSRDLDTPTWAVAACVTVFILVSIALEKSLH SEQ ID NO:14 M-----GGGGEE-----GNNLEFTPTWVAVVCSVIVAASFARFLH SEQ ID NO:28 M-----GG-----KTLQETPTWAVAVVCFVLLSISILIEHILH SEQ ID NO:32 M-----AEDYEYPPARTLPETPSWAVAVVFAVMIIVSVLLEHALH SEQ ID NO:38 M-----AGGGGK-----AKPLEYTPTWIVALVCSVMIIISLLFERLLH 1 60  SEQ ID NO:41 YFGTVLKKKKQKPLYEALQKVKEELMLLGFISLLLTVFQGL-ISKFCVKENVLMHMLPCS SEQ ID NO:40 RLANWLWKKHKNSLLEALEKIKAEMLILGFISLLLTFGF-PYILKICVPRKAALSMLPCL SEQ ID NO:39 KLGHWFQHRHKKALWEALEKMKAEMLLVGFISLLLTITQDPPIAKICISEDADVMWPCK SEQ ID NO:42 KIGSWEKKKNNKALYEALQKAEMLMLMGFISLLLTITQGG-YISNICIPKNIAASMHPCS SEQ ID NO:08 YGGKFLKAKDQKPLYEALQKKEELMLLGFISLLLTITQNG-ITKICVRPSLTHMLPCN SEQ ID NO:12 KVGTVLQKKKKKALLEALEKVKAELMLILGFISLLLTITQNG-SYIVRICIPEKLADNMLPCP SEQ ID NO:14 YGGKFLKRKNQKPLYEALQKKEELMLLGFISLLLTITQNG-IIRICVPVGTWHMLPCS SEQ ID NO:28 LIGKWLKKKKHKKALCEALEKIKSELMLLGFISLLLTITQGG-LISRICISEKVAGTFHPCP SEQ ID NO:32 KLGHWFHKKRHNALAEALEKIKAEMLLVGFISLLLTITQDPISG-ICISEKAASIMRPCS SEQ ID NO:38 RLGKRLIRSRKKPLYEALLKVKEELMLLGFISLLLTITQGGP-MGKVCVSPSAMLHLQPCCK 61 120			
<b>(57) Abstract</b> <p>This invention relates to an isolated nucleic acid fragment encoding an Mlo homolog. The invention also relates to the construction of a chimeric gene encoding all or a portion of the Mlo homolog, in sense or antisense orientation, wherein expression of the chimeric gene results in production of altered levels of the Mlo homolog in a transformed host cell.</p>			



FIGURE 1

SEQ ID NO: 41	M-----GHGGE-----GMSLEFTPTWVAVGCTVIVAISLAVERLLH	1	60
SEQ ID NO: 40	MITRSRCRRSLLWFLVFHGGATATGAPSGGKELSQTPTWAVAVVCTFLILISHLEKGLQ		
SEQ ID NO: 39	M-----SDKKG-VPARELPETPSWAVAVVFAAMVLVSVMLEHGLH		
SEQ ID NO: 42	M-----ADQ---VKEKTEETSTWAVAVVCFVLLLSIVIEKLIH		
SEQ ID NO: 08	M-----SGGEE-----GATLEFTPTWVAAFTVIVAISLAAERLLH		
SEQ ID NO: 12	M-----AAGESSSSRDLDTPTWAVAAVCTVFILVIALEKSLH		
SEQ ID NO: 14	M-----GGGEE-----GNNLEFTPTWVAVVCSVIVAASFAAERFLH		
SEQ ID NO: 28	M-----GG-----KTLQETPTWAVAVVCFVLLSISILIEHILH		
SEQ ID NO: 32	M-----AEDYEYPPARTLPETPSWAVAVVFAVMIIVSVLLEHALH		
SEQ ID NO: 38	M-----AGGGK-----AKPLEYPTPTWIVALVCSVMIISLLFERLLH		
		1	60
SEQ ID NO: 41	YFGTVLKKKKQKPLYEALQKVKEELMLLGFISLLLTVFQGL-ISKFCVKENVLMHMLPCS		
SEQ ID NO: 40	RLANWLWKKHKNLSLEALEKIKAEMLILGFISLLLTTFGE-PYILKICVPRKAALSMPLCL		
SEQ ID NO: 39	KLGHWFQHRHKKALWEALEKMKAEMLVGFISLLLIIVTQDPIIAKICISEDAAADVMWPCK		
SEQ ID NO: 42	KIGSWFKKKKKALYEALQKVKEELMLMGFISLLLTIGQG-YISNICIPKNIAASMHPCS		
SEQ ID NO: 08	YGGKFLKAKDQKPLYEALQKKEELMLLGFISLLLTVTQNG-ITKICVRPSLTlHMLPCN		
SEQ ID NO: 12	KVGTWLGQKKKKALLEALEKVKAELMILGFISLLLTFGQ-SYIVRICIPEKLADNMLPCP		
SEQ ID NO: 14	YGGKFLKRKNQKPLYEALQKKEELMLLGFISLLLTITQNG-IIRICVPVGTWHMLPCS		
SEQ ID NO: 28	LIGKWLKKKKRACALCEALEKIKSELMLLGFISLLLTVGQG-LISRICISEKVAGTFHPCP		
SEQ ID NO: 32	KLGHWFHKKRKNALAEALEKIKAEMLVGFISLLLAVTQDPISG-ICISEKAASIMRPCS		
SEQ ID NO: 38	RLGKRLIRSRKKKPLYEALLKVKEELMLLGFISLLLTVFQGP-MGKVCVSPSAMLHLQPCCK		
		61	120

FIGURE 1

SEQ ID NO: 41	LDSR-----REAGASEHKNVTAKEHFQTFPIVG-TTRRLAEH-----AAVQVGCSEK	
SEQ ID NO: 40	-----SEDVLFQKLAPSSL-----SRHLLAAGDTSIN-----C-KQ	
SEQ ID NO: 39	RGTEGRK-----PSKYVDY-----CPE-	
SEQ ID NO: 42	ASEEARKYGKDVPEDEENLRKLLQLVDS--LIPRRSLATKGYD-K-----CAEK	
SEQ ID NO: 08	LHD-----APANHES-----HFQTFP--G-TARRLLSGEHSTPESASKIGYCSRK	
SEQ ID NO: 12	Y-----KY-KEDKKASDSEEHRRKLLSY-----ERRYLAAADTTSEK-----CSRE	
SEQ ID NO: 14	L-----	
SEQ ID NO: 28	-----KYYKKKESEHRTNNGRRLLAAFLDSNQNHRRILAAAGGD-N-----CPP-	
SEQ ID NO: 32	LPPGSVK-----SKYDYY-----CAKK	
SEQ ID NO: 38	-----PPPHETDHLGD-----AVFTGVLG-GARRLLAGGASSDK-----YCLKK	180
		121
SEQ ID NO: 41	GKVPLLSLEALHHLHIFIFVLAI SHVTFCVLTVIFGSTRIHQWKKWEDSIADEKFDPEA	
SEQ ID NO: 40	GSEPLITLKGHLHILLFFLAIFHIVYSLITMMLSRLKIRGWKKWEQETLSNDYEFSD	
SEQ ID NO: 39	GKVALMSTGSLHQLHVFI FVLAVFHVTVSVITIALSRCLKMRTWKWKEETTSLEYQFAND	
SEQ ID NO: 42	GKVAFVSAYGMHQLHIFIFVLAVCHVICIVTYALGKTKMRRWKKWEEETKTIEYQYSHD	
SEQ ID NO: 08	HKVPLLSVEALHHLHIFIFVLAVVHVSFSLTVVFGGARIRQWKHWEDSIAKQNYETDRV	
SEQ ID NO: 12	GHEPLLSVNGLHQLHILRLILLAVIHVLYSAITMMLGRLKILGWKAWAAGLQHLHNYEFANA	
SEQ ID NO: 14	-----	
SEQ ID NO: 28	GKVPFVSSEGIHQLHIFIFVLAVFHVLYCILTALGRAKMRWRWRWEEETKTAQYQFSHD	
SEQ ID NO: 32	GKVSMLMSTGSLHQLHIFIFVLAVFHVTVSVIIMALSRLKMRWKWKEETASLEYQFAND	
SEQ ID NO: 38	DKVPLSSDAIHQLHIFIFVLAVTHFLLSAITVLLGMAQTRNWRHWETKIQENNGSAPQM	240
		181

FIGURE 1

SEQ ID NO: 41	LRKRRVTHVHNHAFI	KEHFLGIGKDSVILG	TQSF	QFLKQFYDSVT	KSDYVTLRLGFIMTH-	300
SEQ ID NO: 40	HSRLRLTH--ETSFV	REHT-SFWTTTPFF	FYVGCFFRQFFV	SVERTDYLT	LRHGFISAHL	
SEQ ID NO: 39	PARFRFTH--QTSFV	KRHL-GLSSTPGIR	-WVVAFFRQFFRSV	TKVDYLT	LRAGFINAHL	
SEQ ID NO: 42	PERFRFAR--DTSFG	RRHL-SFWSKSTIT	LWVCFRQFFRSV	TKVDYLT	LRHGFIMAHL	
SEQ ID NO: 08	L-KPKVTQVHQHDF	IRGRFAGFGKDSA	IVGWL	SFLKQFYGSVT	KSDYVTLRLHGFIMTH-	
SEQ ID NO: 12	ASKIKLIM--ETSFV	RSPI-QFLIRIPFF	YIRCFFRQFYRSV	NRTDYL	TLRNGFITVHL	
SEQ ID NO: 14	-----					
SEQ ID NO: 28	PERFRFAR--ETSF	GRRHL-SFWAQN	PVLLWVCFRQFVRS	VPKVDYLT	LRHGEMMAHL	
SEQ ID NO: 32	PARFRFTH--QTSF	VKRHL-GLSSTPGIR	-WVVAFFRQFFRSV	TKVDYLT	LRAGFINAHL	
SEQ ID NO: 38	IK-----HVQE	EKFIQDHF	KGRKRSRIFGWM	RSFFKQLYGSV	TEEDYTTMRLGFMKH-	301
SEQ ID NO: 41	-CKGNPKLN	FHKYMMRALED	DEKQVVGISWYLW	IFVVI	FLLLN	VNGWHTYFWIAFIPFAL
SEQ ID NO: 40	APGR--KFN	QRYIKRSLED	DFKL	VVGISPLWAS	FVIFLLFN	VNGWRTLFWASIPPLLI
SEQ ID NO: 39	SQNS--KFD	FKYIKRSMED	DFKVVVGISL	PLWGVAILT	FLDING	VGTLIWISFIPPLVI
SEQ ID NO: 42	APGSDAR	DFRKYIQRSLE	EDEKTI	VEINPVI	WFI	AVLFLLTNTNGLNSYLWLPFIPFIV
SEQ ID NO: 08	-CRTNPK	FNFKYIMIRALE	DDDFKQVVGISW	DLWLFVVI	FLLLN	INGWHTYFWIAFIPVIL
SEQ ID NO: 12	APGS--KFN	FPKYIKRSLED	DFKVVVGVS	PILWASVVV	YLLIN	VNGWHTVLAALIPVVI
SEQ ID NO: 14	-----					
SEQ ID NO: 28	GPHSHPK	DFRQYIKRSLE	EDEKVVVEIR	-----		
SEQ ID NO: 32	SHNS--KFD	FKYIKRSMED	DFKVVVGISL	PLWCVAILT	FLDIDG	IGTLTWISFIPPLVI
SEQ ID NO: 38	-CKGTPK	FNFYSYMIRALE	VDKFKVVGISWYLW	AMLMI	FLLLN	VEGWVYIWIITLVPFIM

FIGURE 1

SEQ ID NO: 41	LLAVGKLEHVIAQLAHEVAEKHVAIEGDLVVKPSDEHFWFSKPQIVLYLIHFILFQNAF	
SEQ ID NO: 40	ILAVGKLEQAIMATMALEIVETHAVVQGMPLVQGSDFYFWFDCPQLLLHLIHFALFQNAF	
SEQ ID NO: 39	LLCVGKLEMIIMEMALEIQDRASVIKAPVVEPSNKFVFWFHRPDWVLFHILTLFQNAF	
SEQ ID NO: 42	ILVGTKLQVITTKLGLRIQEKGDVVKGTPLVQPGDHFHFWFGRPRFILFLIHLVLEFQNAF	
SEQ ID NO: 08	LLAVGKLEHIIITQLAHEVPEKHAIEGDLVVKPSDEHFWFHRPHVVLFLIHFILFQNAF	
SEQ ID NO: 12	ILAVGKLEQAILANMALEITERHAVVQGMPLVQGSDFYFWFGRPQLVLHLIHFALFQNAF	
SEQ ID NO: 14	-----	
SEQ ID NO: 28	-----	
SEQ ID NO: 32	LLCVGKLEMIIMEMALEIQDRASVIKAPVVEPSNKFVFWFHRPDWVLFHILTLFQNAF	
SEQ ID NO: 38	LLMVGSKMEHIIITELAYEVAQKHTAIRGDLVVKPSDNFVFWFHRPKLVLLIHLIHLFQNAF	420
		361
SEQ ID NO: 41	EIAFFFWIIVTYGFDSCIMGQVRYIVPRLVIGVFIQVLCYSTLPLYAIVSQMGSSFKA	
SEQ ID NO: 40	QITHFFWIWYSFGLKSCFHKDFNLVSKLFLCLGALILCSYITLPLYALVTQMGSHMKKA	
SEQ ID NO: 39	QMAHFVWTVATPGLKKCYHTQIGLSIMKVVLGLALQFLCSYMTFPLYALVTQMGSNMKRS	
SEQ ID NO: 42	QLAFFVWSTYEFGLKNCFHESRVDVIRISIGLLVQILCSYVTLPLYALVTQMGSKMKPT	
SEQ ID NO: 08	EIAFFFWIIVTYGFDSCIMGQVRYIVPRLVIGVFIQVLCYSTLPLYAIVTQMGTHYKRA	
SEQ ID NO: 12	QITYILWIWYSFGLRNCFTDYKLAVVKVALXM-MLCLCSYITLPLYALVTQMGSRMKT	
SEQ ID NO: 14	-----	
SEQ ID NO: 28	---FFA-----	
SEQ ID NO: 32	QMAHFVWTVATPGLKKCFHMHIGLSIMKVVLGLALQFLCSYITFPLYALVTQMGSNMKRS	
SEQ ID NO: 38	EIAFFFWLLVTYGFKSCIMGKPAYVITRVVISVICQVLCGYSTLPLYAVVSHMGNSEFKKT	480
		421

FIGURE 1

SEQ ID NO: 41	I FEENVQVLVGWAQKVQKRDILKAAA-----SNGDEGSSQAGPGPDGSGS-----	
SEQ ID NO: 40	VFDEQMAKALKKWKHDIKLKK-----GKARKLPSTLGVSEFSL-----	
SEQ ID NO: 39	IFDEQTSKALTNWRNTAKEKKKVRDMDMLMAQMIGDATPSRGSSPMPSRGSSPVHLLHKG	
SEQ ID NO: 42	VFNERVATALKSWHHTA--KKNIKH-----GRTSESTTFSSRPTTPTHGSSPIHLLRNA	
SEQ ID NO: 08	IFNDHLQQNIIVGWAQKAKRKLKA-----DGNPGQSSQESAN-----	
SEQ ID NO: 12	IFDEQTNKALKKWHMAAKKKQ-----GGAVTLGKSSARIMDGSP-----	
SEQ ID NO: 14	-----KDKKK-----	
SEQ ID NO: 28	-----	
SEQ ID NO: 32	IFDEQTAKALTNWRNTAKEKKKVRDMDMLMAQMIGDATPSRGTSMPSPRASSPVHLLHKG	
SEQ ID NO: 38	IFDENVTGLVNWAEKA--RRGTRTPN-----KITDASSSPIDEANGGA-----	540
	481	
SEQ ID NO: 41	-----APAAAGPGAGFAGIQLSRVTRNNAGDTNNEITPDHN-----N-----	
SEQ ID NO: 40	-----SSSSSATTLHRSKTTGH---SSNIIYYKQEEDEEMSD--L-----	
SEQ ID NO: 39	---MGRSDD-----PQSAPTSPTQOEARMYPVVVAHPVHRLNPNDRRRSASSAL	
SEQ ID NO: 42	PHKRSRSVDESEFANSEFSPRNSDFDSDPESQHETAETSNHRSRFGEESEKKEFVSSSV	
SEQ ID NO: 08	-----TGILGSIFFKKATAPGDSSSAPKADGISSV.---	
SEQ ID NO: 12	-----GNSSTVHSLAPHYTVSKLLATQPAPHQQQTRIKIKIMN--M-----	
SEQ ID NO: 14	-----K-----	
SEQ ID NO: 28	-----	
SEQ ID NO: 32	---MGRSDD-----PQSAPTSPTMEEARMYPVVVAHPVHRLNPADRRRSVSSAL	
SEQ ID NO: 38	-----VQMT-----NTRANSVEQGTARLI.---	600
	541	

FIGURE 1

SEQ ID NO:41	-----
SEQ ID NO:40	EAGAEDAIDRIQQEMQF-----HNS
SEQ ID NO:39	E-----ADIPSADFSQ-G
SEQ ID NO:42	ELPPGPGQIRTQHEISTISLRDFSFKR--
SEQ ID NO:08	-----
SEQ ID NO:12	NPMVLSCLRWRKQASL.-----
SEQ ID NO:14	-----
SEQ ID NO:28	-----
SEQ ID NO:32	D-----ADIPSADFSQ.
SEQ ID NO:38	-----
	601
	629

## PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

SCHAEFFER, Andrew, L.  
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Legal Patent Records Center  
1007 Market Street  
Wilmington, DE 19898  
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year)

11 September 2000 (11.09.00)

Applicant's or agent's file reference

BB1313 PCT

## IMPORTANT NOTIFICATION

International application No.

PCT/US99/30181

International filing date (day/month/year)

17 December 1999 (17.12.99)

## 1. The following indications appeared on record concerning:

☐ the applicant ☐ the inventor ☒ the agent ☐ the common representative

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## 2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☒ the person ☐ the name ☐ the address ☐ the nationality ☐ the residence

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## 3. Further observations, if necessary:

## 4. A copy of this notification has been sent to:

☒ the receiving Office ☐ the designated Offices concerned  
☐ the International Searching Authority ☒ the elected Offices concerned  
☒ the International Preliminary Examining Authority ☐ other:

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34, chemin des Colombettes  
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0957895-06101

**GENERAL POWER OF ATTORNEY**  
(Concerning Several International Patent Applications)

The undersigned, Vernon R. Rice, Vice President and Assistant General Counsel of E. I. DU PONT DE NEMOURS AND COMPANY, 1007 Market Street, Wilmington, Delaware 19898 USA ("DuPont"), hereby confirms that the power to sign for DuPont has been granted to various individuals (as set forth in the attached excerpt from DuPont's Patent Board Rules of Procedure (January 1988), Appendix Section III.A.4), including the Chairman, Vice-Chairman, and those individuals who are Assistant Secretaries of the Patent Board. Currently these Assistant Secretaries are:

Roger A. Bowman  
Linda J. Davis  
John E. Griffiths

Barbara J. Massie  
Miriam D. Meconnahey  
Deborah A. Meginniss

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Hamby, William H.	31,521	Stevenson, Robert B.	26,039
Heiser, David E.	31,366	Strickland, Frederick D.	39,041
Hendrickson, John S.	30,847	Tessari, Joseph A.	32,177
Joung, J. Kenneth	41,881	Tulloch, Rebecca W.	36,297
Katz, Elliott A.	26,396	Walker, P. Michael	32,602
Kelly, Patricia L.	39,247	Wang, Chen	38,650
King, Karen K.	34,850		

The undersigned ratifies fully all actions already taken by the above-named individuals in accordance with the authority granted hereby.

E. I. DU PONT DE NEMOURS AND COMPANY

By: \_\_\_\_\_

Vernon R. Rice

Vice President and Assistant General Counsel

Date: \_\_\_\_\_

9-13-00



**DECLARATION and POWER OF ATTORNEY**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PLANT DISEASE RESISTANCE GENES**

the specification of which is attached hereto unless the following box is checked:

☒ was filed on **17 DECEMBER 1999** as U.S. Application No. \_\_\_\_\_ or PCT International Application No. **PCT/US99/30181** and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Application No.	Country	Filing Date	Priority Claimed (Yes/No)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States Provisional Application(s) listed below.

U.S. Provisional Application No.

60/112,737

U.S. Filing Date

18 DECEMBER 1998

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International Application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT International Application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is known to me to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application No.	Filing Date	Status (patented, pending or abandoned)

**POWER OF ATTORNEY:** I hereby appoint the following attorney(s) and/or agent(s) the power to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:Name: **GREGORY J. FEULNER**

Registration No.:

41,744

Send correspondence and direct telephone calls to:

**GREGORY J. FEULNER**
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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☒ Additional Inventors are being named on separately numbered sheets attached hereto.

## DECLARATION AND POWER OF ATTORNEY - Page 2

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